

EXHIBIT 2

1 IN THE UNITED STATES DISTRICT FOR THE
2 NORTHERN DISTRICT OF ILLINOIS

3 HON. JOHN Z. LEE

4 MAG. J. JEFFREY I. CUMMINGS

5 CASE NO. 20-CV-01444

6
7 WILLIAM AMOR,

8 Plaintiff

9
10 V.

11
12 JOHN REID & ASSOCIATES, ET AL.,

13 Defendants

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22 DEPONENT: JOHN REID & ASSOCIATES CORPORATE

23 REPRESENTATIVE 30(B)(6)

24 DATE: AUGUST 26, 2022

25 REPORTER: KORTNEY CHASE

APPEARANCES

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(Appeared via videoconference)

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(Appeared via videoconference)

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* Will forward upon receipt

STIPULATION

The VIDEO deposition of JOHN REID & ASSOCIATES CORPORATE REPRESENTATIVE 30(B)(6) was taken at KENTUCKIANA REPORTERS, 30 SOUTH WACKER DRIVE, 22ND FLOOR, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on FRIDAY the 26TH day of AUGUST, 2022 at 10:02 a.m.; said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that KORTNEY CHASE, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

COURT REPORTER: We are now on the record. My name is Kortney Chase. I'm the online video technician and court reporter today representing Kentuckiana Reporters located at 30 South Wacker Drive, 22nd floor, Chicago, Illinois, 60606. Today is the 26th day of August, 2022 and the time is 10:02 a.m. We are convened by video conference to take the deposition of Joseph P. Buckley in the matter of William Amor versus John Reid and Associates et al pending in the United States District Court for the Northern District of Illinois.

Case Number: 20-CV-01444. Will everyone but the witness, please state your appearance, how you are attending and location you are attending from starting with plaintiff's Counsel?

MS. GARCIA: This is Mariah Garcia from the plaintiff. I'm attending virtually from Chicago, Illinois.

MR. PASQUALINO: Michael Pasqualino for defense, attending from Chicago, Illinois.

COURT REPORTER: Mr. Buckley, will you please state your full name for the record?

1 THE WITNESS: Joseph Paul Buckley, B-U-C-K-L-
2 E-Y.

3 COURT REPORTER: And do all parties agree that
4 the witness is in fact Joseph P. Buckley?

5 MS. GARCIA: Plaintiff so stipulates.

6 MR. PASQUALINO: Defense agrees.

7 COURT REPORTER: Okay. Mr. Buckley, will you
8 please raise your right hand? Do you solemnly swear
9 or affirm that the testimony you are about to give
10 will be the truth, the whole truth and nothing but
11 the truth?

12 THE WITNESS: I do.

13 COURT REPORTER: Thank you. You may begin.

14 DIRECT EXAMINATION

15 BY MS. GARCIA:

16 Q Hi, Mr. Buckley. My name is Mariah Garcia and
17 I'm an attorney for the plaintiff, Bill Amor. Before we
18 get started, will you please state your name and spell
19 it for the record?

20 A Joseph, J-O-S-E-P-H, Paul, P-A-U-L, Buckley,
21 B-U-C-K-L-E-Y.

22 Q Great, and Mr. Buckley, are you currently an
23 employee of John Reid and Associates?

24 A Yes.

25 Q And what is your title at John Reid and

1 Associates?

2 A President.

3 Q Mr. Buckley, have you given depositions
4 before?

5 A Yes.

6 Q Okay. Given your familiarity with
7 depositions, I'm going to just lay down a few brief
8 ground rules before we get started. So first, because
9 we're on Zoom, sometimes there can be a bit of a lag, so
10 it's important for us to not speak over each other, and
11 what I mean by that is if I ask a question, just let me
12 get to the end of the question before you answer and I
13 will let you answer your question fully. Does that make
14 sense?

15 A Yes.

16 Q Okay. Because we have a court reporter,
17 please also keep your answers verbal and audible. So no
18 shaking of your head or nodding of your head. Okay?

19 A Okay.

20 Q And if you have any need to take a break, just
21 let me know. I'm happy to give you any breaks you want
22 or need. Just let me finish my line of questioning
23 before we go on that break. Okay?

24 A Yes.

25 Q And then I have a couple more questions before

1 we get into the designation. The first one is, do you
2 have any conditions that may affect your ability to
3 provide truthful and accurate testimony today?

4 A No.

5 Q Do you have any conditions that affect your
6 memory?

7 A No.

8 Q Do you take any medications that may impact
9 your ability to provide a truthful and accurate
10 testimony today?

11 A No.

12 Q And do you take any medications that may
13 affect your memory?

14 A No.

15 Q Okay. So we're here today for a Rule 30(b)(6)
16 deposition, which is essentially you being designated on
17 behalf of John Reid and Associates to provide binding
18 testimony on a number of subjects. Do you understand
19 that you have been designated in that role?

20 A Yes.

21 Q Okay. So the federal rules require me to read
22 the subjects you're designated on and make sure that
23 you're giving consent to provide that testimony. So I'm
24 going to share my screen and go over the topics that
25 you're designated on. Okay?

1 A Okay.

2 Q And I pull up the deposition notice. Give me
3 one second. Can you see that, Mr. Buckley?

4 A It's a little small, but I get --

5 Q Or I can -- I can zoom in for you.

6 A That's better.

7 Q Great, and so these -- there are four topics
8 and there are subtopics within those topics. So
9 actually what makes the most sense is to have you read
10 this to yourself and then when you're done or you need
11 me to scroll down, let me know, and then we can you
12 continue on questioning after that. Okay?

13 A Okay. We can scroll up or down. Okay, that's
14 good. We can scroll. Okay.

15 Q Okay. And so for the record, have you had a
16 chance to review the deposition notice that designates
17 certain topics for you to testify on today?

18 A Yes.

19 Q And again, just for the record, are you
20 willing and able to provide binding testimony on behalf
21 of Reid and Associates regarding the subjects within the
22 deposition subpoena?

23 A Yes.

24 Q Okay, great. So Mr. Buckley, you are
25 president of John Reid and Associates currently.

1 **Correct?**

2 A Yes.

3 Q And how long have you held that position?

4 A Since 1982.

5 Q When did you first start working at Reid and
6 Associates?

7 A June of 1971.

8 Q Okay. Can you give me a brief overview of the
9 positions and roles that you've held within John Reid
10 and Associates from between 1971 until 1982?

11 A Well, for those first two decades through 70s,
12 up to the first ten year -- 11 years, I was primarily a
13 polygraph examiner.

14 Q Okay. And so in 1982, that's when you
15 switched from being a polygraph examiner to becoming
16 president?

17 A In 1978, I became chief examiner for Reid,
18 which oversees all of the testing, polygraph testing,
19 investigative interviews that we did. In 1980, I became
20 Director of the Chicago Office and then in '82,
21 president, but I was still a working person in terms of
22 doing polygraph tests, teaching training seminars, that
23 kind of thing.

24 Q Great, and so just to break down the dates one
25 more time for me. In 1978, you were the chief examiner,

1 correct?

2 A Yes, I believe that was '78 to '80.

3 Q '80, and then from 1980 to '82 is when you
4 were the Director of the Chicago Office?

5 A Yeah.

6 Q And after that is when you were instated as
7 the president?

8 A Yes.

9 Q Okay. And you said throughout your time from
10 1971 until 1982, you were still conducting polygraph
11 examinations and working as a instructor on the Reid
12 Technique or methodology?

13 A Primarily, as a polygraph examiner. The
14 training programs really didn't begin to develop into
15 any extensive type of program until the mid-80s.

16 Q Okay. And breaking down the roles that you
17 held, what would you say the primary responsibilities
18 you had as a polygraph examiner from 1971 to 1982?

19 A What were my primary responsibilities?

20 Q Yes.

21 A In terms of conducting examinations?

22 Q Yes.

23 A Well, we have a protocol that we follow.
24 Appointments would be made by clients for their subjects
25 or their employees or their suspects, depending on if

1 it's attorney or a police department, et cetera. They
2 would come to our office. We had different kinds of
3 tests that we did. We tested police candidates about
4 their background to see if they might be qualified to
5 continue in the selection process for a given
6 department. We tested people who are suspected of
7 wrongdoing; could be an employee, could be a criminal
8 suspect. We tested people for attorneys who had an
9 interest in whether or not their client was being
10 truthful, and then the exam itself had certain protocol
11 to follow.

12 **Q Great. Sorry, I'm turning off my phone. And**
13 **so when you became the chief examiner, would it be fair**
14 **to say that added on responsibilities on top of the**
15 **polygraph examination you were already doing or did you**
16 **shift into a different role?**

17 **A No, it added some responsibilities, but I was**
18 **still active as an examiner.**

19 **Q And what were the responsibilities that were**
20 **added when you became a chief examiner?**

21 **A To work with the staff members on their cases**
22 **depending on the circumstances, work with them on**
23 **question formulation or I reviewing the charts, talking**
24 **about a strategy for the interview process, that kind of**
25 **thing.**

1 Q And would it be fair to assume it was a
2 supervisory role?

3 A To some extent, sure.

4 Q Okay. Were you the only chief examiner or was
5 it kind of a title that many people had?

6 A Well, there usually was one at one time, but
7 other people became chief examiners over the years.

8 Q And in the late 70s, how many Reid and
9 Associate offices were there?

10 A I believe we had Denver, Milwaukee and
11 Chicago.

12 Q And was there a chief examiner for each
13 location or how did that work across the offices?

14 A In Milwaukee, there was only one staff person.

15 Q Okay.

16 A In Denver, I think there were three or four
17 and there was a director of that office because of the
18 size of it. They didn't need a second person designated
19 as a chief examiner.

20 Q Fair, and as a chief examiner, approximately
21 how many people were you working with or supervising?

22 A I think we had seven or eight staff members at
23 the time.

24 Q What was the process for being named the chief
25 examiner?

1 A Mr. Reid named me. I can't tell you that on
2 that.

3 Q Did you have to go through any interviews or
4 do an application?

5 A No. I had been working with Mr. Reid for 11
6 years at that point or for seven years at that point.

7 Q Great. Okay. So after chief examiner, you
8 became Director of the Chicago Office. A similar
9 question, was there any steps or application process you
10 had to undergo to become the director?

11 A No.

12 Q Similarly, was it Mr. Reid deciding, because
13 he had seen your work over the years, that you would
14 make a good fit for that position?

15 A Yes.

16 Q Okay. And as the Director of the Chicago
17 Office, what were your roles and responsibilities?

18 A A little bit more on the business end in terms
19 of working with the accountants and, you know, lawyers
20 and that kind of thing, which as a chief examiner, I
21 really didn't have much activity with.

22 Q Okay. And you said the business aspect of
23 things, will that include any sort of contractual
24 agreements that maybe needed to be worked out with
25 entities that were working with the Chicago Office?

1 A Sure.

2 Q Okay. And during this time, just to clarify,
3 you were still doing polygraph examinations?

4 A Yes.

5 Q Okay. And so then in 1982, you were named
6 president. What was the process like for that naming of
7 you as president?

8 A John Reid had left the company ownership to
9 the employees and the employees at the recommendation of
10 Mr. Reid designated me as the president.

11 Q And is that still the process where the
12 employees decide who was in the role of president?

13 A It would be if that came up, yes.

14 Q In the time that you've been president, is
15 there a process for reinstituting or revoting you in as
16 president? Forgive my ignorance in this.

17 A Sure. Every year, the board -- the
18 shareholders have a meeting and they elect the board of
19 directors and, you know, the board of directors identify
20 and elect the officers.

21 Q How many people are in the board of directors?

22 A Three.

23 Q And what are the officer positions within Reid
24 and Associates?

25 A President, vice president, secretary

1 treasurer.

2 Q Great, and prior to starting as a polygraph
3 technician at Reid and Associates, can you give me a
4 brief overview of your employment history?

5 A I came to Reid right out of graduating from
6 Loyola University.

7 Q That's a great transition to my next question,
8 which was going to be about your education. So what
9 secondary degrees, if any, did you receive?

10 A A Bachelor's degree in English from Loyola
11 University in 1971, and then a Master's of Science
12 degree in the Detection of Deception from the State of
13 Illinois.

14 Q In what year did you receive the deception and
15 detection degree?

16 A I believe it was 1973.

17 Q What was the process for receiving the
18 deception and detection degree?

19 A John Reid and Associates had a polygraph
20 training school called the Reid College.

21 Q Uh-huh.

22 A And Reid College would train individuals to
23 qualify for the state examination of licensure. Once
24 they were licensed and they were working for us or were
25 graduates of our school, they could follow a two year

1 process to qualify for a master's degree by writing a
2 thesis, taking a written examination and conducting some
3 live examinations under observation by some of the
4 senior people.

5 Q Okay. And do you recall what your thesis was
6 on?

7 A I believe it was on the comparison of
8 abdominal and thoracic respiration recordings during the
9 polygraph examination.

10 Q Great, and was that paper published anywhere?

11 A I believe it might have been published in the
12 American Polygraph Association Journal.

13 Q And so other than the Loyola degree in
14 Literature -- and by the way, I have a bachelor's degree
15 in history literature, so we are similar ilk -- and the
16 master's degree you got in deception and detection, was
17 there any other degrees that you have received?

18 A No.

19 Q Okay. And so I just wanted to briefly talk
20 about any preparation you did for the deposition. So my
21 first question is, without going into any conversations
22 you had with, you know, counsel, please tell me
23 everything you did to prepare for today's deposition?

24 A Well, this past Wednesday we had a conference
25 call between Attorney Pasqualino, Charles Marino, who's

1 our corporate attorney, James Nyeste. I'll spell that
2 for you. N-Y-E-S-T-E. He's an attorney for the firm and
3 Michael Masokas, who is a polygraph examiner with the
4 firm. Beyond that, I reviewed Mr. Masokas' deposition
5 and discussed the case with him, and that is essentially
6 it.

7 Q Okay. And other than re reviewing his
8 deposition, did you review any other documents?

9 A I don't believe so. I mean, I saw the file,
10 the polygraph file for Mr. Amor. So I saw those
11 documents, question sheets and that kind of thing but
12 outside of that, no.

13 Q Yeah, that was going to be my follow up
14 question was, when you were reviewing the deposition of
15 Mr. Masokas, did you also review the exhibits which
16 would've formed the file of Mr. Amor?

17 A Yes.

18 Q Okay. And again, without going into any of
19 the conversations you had at this conference call with
20 your attorneys, approximately how long did the
21 conference call last?

22 A Probably two hours.

23 Q Great.

24 A (coughing) Excuse me.

25 Q Do you need any water or anything?

1 A I've got water.

2 Q Okay, great.

3 A Okay. So that's --

4 Q Okay. And other than that conference call and
5 reading the deposition with the exhibits attached from
6 Mr. Masokas' previous dep, did you do anything else to
7 prepare for the deposition?

8 A No.

9 Q Okay. And do you have any files or papers in
10 front of you as we currently sit?

11 A I do have in front of me a list of the test
12 questions.

13 Q Okay.

14 A They were on the examination in case I
15 referred to them and a couple of notes that I took from
16 our conference call.

17 Q Okay. And I'm likely not going to go too much
18 into the deposition of Mr. Amor, specifically, but if I
19 do, other than the list of questions, I would prefer you
20 not to refer to your notes if I'm just asking questions
21 about the substance of it. Okay?

22 A Yes.

23 Q Okay. Then I have a line of questioning
24 regarding your employment. Have you ever been fired or
25 suspended from any job?

1 A No.

2 Q Okay. Have you ever been officially
3 disciplined at any job?

4 A No.

5 Q Have you ever been unofficially disciplined at
6 any job?

7 A No.

8 Q Okay. Have you ever been disciplined by or
9 asked to leave an institution of higher learning?

10 A No.

11 Q And have you ever been asked to leave an
12 institution or professional organization?

13 A No.

14 Q Okay. And have you ever been convicted of a
15 felony?

16 A No.

17 Q Okay. So first I wanted to ask about the
18 corporate side of Reid and Associates. So just broadly,
19 what is the process through which someone would contract
20 or retain you for polygraph services?

21 A Well, as a general rule, they would contact
22 our office. We have two receptionists who would handle
23 phone calls coming in, and they would discuss the fact
24 they wanted to make an appointment. Depending on the
25 kind of appointment they would make, the receptionist

1 could schedule that time period or if it was something
2 that was more involved, they would contact or pass the
3 call to one of the examiners to talk to the prospective
4 client.

5 Q Okay. And similarly -- actually, what are the
6 type of services that Reid and Associate provides
7 broadly?

8 A Provide what?

9 Q Provides broadly.

10 A Broadly? Well, our primary service had been
11 polygraph examinations, both the pre-employment type and
12 the specific issue investigation type. In the mid-70s,
13 we began training programs on interviewing and
14 interrogation techniques, which came to fruition in the
15 mid-80s and has expanded significantly over the
16 following decades.

17 Q So would it be fair to say that currently, the
18 work or the services that Reid and Associates provides
19 is primarily training on interrogation and interviewing
20 techniques?

21 A Yes.

22 Q How much of the services that Reid and
23 Associates provides would you say is polygraph
24 examinations versus training on various interview
25 techniques?

1 A To date, 0 percent.

2 Q Okay. 0 percent on polygraph?

3 A Yes.

4 Q And I know you said that in the mid-70s,
5 that's, you know, there was a switch over or was it the
6 mid-70s or mid-80s? My apologies.

7 A The mid-70s, we began and introduced our
8 training programs. They began to blossom and get
9 recognition in the mid-80s.

10 Q Okay.

11 A It became more frequent.

12 Q Great, and so at some point though, there was
13 a shift within Reid and Associates away from polygraph
14 examinations. Correct?

15 A Yes.

16 Q Around what time would you say that occurred?

17 A I would say probably in the last couple of
18 years.

19 Q And why is that?

20 A We can make more money training.

21 Q And other than the financial considerations,
22 were there other considerations for the shift towards
23 training and away from polygraph?

24 A Nope.

25 Q Were there ever, in your experience first as a

1 director now as the president, longer term contracts
2 that you held with municipalities regarding either
3 polygraph services or training services?

4 A No.

5 Q And when you're contracting, when John Reid
6 and Associates is contracting with an entity rather,
7 what are the forms and/or documents that are created in
8 that process?

9 A In my experience with the company, we've had
10 very few contracts. We had one many years ago with the
11 Chicago Police Department where we would interview
12 people who made bribery or brutality allegations, and
13 then if they passed the polygraph test, we would then
14 interview the police officer. And that was a formal
15 contract. Other than that, I can't think of another
16 contract. Most departments simply at an ad hoc basis
17 will call us when they need us.

18 Q Great, and so you were in the Chicago office
19 in 1995, correct?

20 A Yes.

21 Q Okay. And were you aware of any contract or
22 agreement entered into between Reid and Associates and
23 the City of Naperville in and around that time period?

24 A No.

25 Q Okay. And outside of the services that were

1 provided to Naperville Police Department during the Amor
2 investigation, are you aware of any other times that you
3 provided services to the Naperville Police Department?

4 A I'm sure we have over the 50 years, but I
5 couldn't tell you anything of specific about anything.

6 Q Okay. And going back to the process of
7 providing services, outside of a formal contract, if
8 someone in this instance, the Naperville Police
9 Department, called in and said, you know, we have
10 someone we want you to polygraph. What sort of
11 documentation would've been created in that instance?

12 A Well, probably the receptionist would give
13 that call to one of the examiners because she wouldn't
14 know what to ask, how much time to allot, et cetera. The
15 examiner would talk to the person calling, possibly a
16 detective or someone representing the department,
17 discuss the case, agree on a mutual time, let them know
18 what our fees are, or were at the time and schedule the
19 exam.

20 Q And from that, you know, the documentation
21 would've been whatever was parallel to the services
22 being provided and then an invoice of some sort?

23 A Well there, I don't think there was any
24 documentation at the time of the appointment. I think
25 the documentation came when the folks came in and began

1 to give us the background on the case, which sometimes
2 they did over the phone as well. And the invoice is
3 sent after we're done with the case, not before we do
4 the case.

5 Q Great. Okay, sorry. My screen is freezing
6 up. Give me one moment.

7 A Sure.

8 Q This is the issue with technology sometimes.
9 I'd like to turn now to the process of training that is
10 utilized by John Reid and Associates. In 1995, what
11 would've been the requirements for a polygraph
12 technician prior to being hired by John Reid and
13 Associates?

14 A Well, if I can kind of set the foundation.

15 Q Sure.

16 A In the mid-1960s, the Illinois legislature
17 passed a law called the Illinois Detection of Deception
18 Examiner Act, which required anyone who wanted to
19 practice polygraph testing had to be licensed by the
20 state. And the statute established a six month training
21 program for that requirement and subsequent rules and
22 regulations detailed the content of that training. And
23 so John Reid and Associates in the late '60s, early '70s
24 created a training arm of the company called Reid
25 College, which would implement that six month training

1 program for people interested in becoming polygraph
2 examiners. And it consisted of classroom training and
3 eventually an internship where the individuals would do
4 actual live training under supervision with a senior
5 person. And we would train people both to work for us
6 and for other agencies or departments around the
7 country.

8 Q Great. And so if someone was applying for a
9 polygraph technician job, would it be mandatory for them
10 to have gotten their licensure from Reid College or was
11 there other schools that would've been acceptable?

12 A They would have to have a license from the
13 State of Illinois.

14 Q Okay. So the State of Illinois specifically.
15 Were there other schools or training seminars at the
16 time that a polygraph examiner could attend in Illinois?

17 A I believe that there have been over the
18 decades. I couldn't quote a name to you, but I'm -- I'm
19 sure there have been some.

20 Q Okay. And actually, does Reid College still
21 exist?

22 A No.

23 Q And what year did Reid College cease to exist?

24 A Probably 1988 or '89.

25 Q And what was the reason that it stopped

1 existing in 1988 or '89?

2 A Congress passed the Employee Polygraph
3 Protection Act, which basically prevented private
4 employers from using polygraph as part of their
5 investigations. And when -- prior to that, a lot of
6 businesses would have subjects come to us for testing.
7 For example, over the weekend \$1,000, \$100,000
8 disappears from a safe. Fifteen people had access to
9 that money. They'd ask all 15 people to come to us for
10 polygraph tests. We would oftentimes allow the more
11 senior students in the school program to do some of
12 those tests under supervision, because the probability
13 of them being truthful were pretty high. When the
14 Employee Polygraph Protection Act came into place, we no
15 longer had that base of testing that would be
16 appropriate for students to do. We couldn't put them on
17 a police case. We couldn't put them on attorney's case.
18 So we just decided to disband the college.

19 Q Okay. And prior to disbanding the college,
20 however, you mentioned there was like a two-step process
21 of first classroom training and then internships,
22 correct?

23 A Yes.

24 Q And approximately how long was the classroom
25 training?

1 A Well, it was ongoing probably for the first
2 three months, probably pretty steady. Early on the
3 first several weeks, I'm sure it was daily, all day. And
4 then they would also take time to observe some of the
5 senior examiners doing examinations and, you know,
6 following their guidance. And then towards the second
7 half of the internship or of the six months I should
8 say, the internship began where they began to do actual
9 live examinations under supervision.

10 Q And what topics were taught within the
11 curriculum of Reid College?

12 A Physiology, psychology, chart interpretation,
13 question formulation, legal considerations, ethics, and
14 undoubtedly others that I'm not thinking of.

15 Q And was there any sort of standard of how many
16 people would be in a class per year, how many
17 instructors would be, you know, given for a certain
18 number of people?

19 A I don't think we ever accepted more than six
20 for a class.

21 Q And why is that?

22 A Well, because we wanted to give them
23 individual attention and that internship where they did
24 live examinations, you know, six people would, you know,
25 have to do a fair number. And so we wanted to make sure

1 that our senior people were still actively involved and
2 observing, et cetera.

3 Q Who was typically an instructor within Reid
4 College?

5 A Senior staff members.

6 Q From Reid Associates?

7 A Yes. With the exception of legal. We had to
8 have a lawyer teach the legal part and on the psychology
9 a psychologist teach that part.

10 Q Okay. And during the internship, that would
11 be within Reid and Associate's offices as well?

12 A Yes.

13 Q Okay. Was part of the curriculum formulated
14 in preparation for the licensure testing?

15 A Oh, I'm sure. When it got to that stage, they
16 would view -- review the critical elements. Sure.

17 Q Okay. And within Reid and Associates itself,
18 once someone becomes a polygraph technician, is there
19 continuing training that's required?

20 A There's probably ongoing supervision by a
21 supervisor, particularly when they're still new. But as
22 they gain a few years of experience, they're oftentimes
23 they're pretty much on their own.

24 Q Okay. Is there any sort of formalized
25 continuing education that necessary when you're a

1 polygraph technician at Reid and Associates?

2 A Well, I don't know if it was something that
3 was required, but I know that all of the students,
4 particularly in the '80s, when we had our interview and
5 interrogation program would all go to that training.
6 Which was more extensive than probably some of the in-
7 house lectures we had.

8 Q But there was no formalized requirement by
9 Reid and Associates when there is, you know, a branch of
10 polygraph examination to have continuing polygraph
11 training?

12 A Correct.

13 Q Okay. And you presuppose my next question,
14 which is about the interview and interrogation courses
15 that are taught. Just to refresh my recollection,
16 because I think you've already spoken to this, but when
17 approximately did Reid and Associates start teaching
18 interview and interrogation classes or seminars?

19 A Well, I think our first ones were in 1975,
20 1976.

21 Q Okay. And if you know, who was teaching those
22 courses?

23 A Members of our firm.

24 Q And at the time, was there some sort of what
25 was the formalized curriculum, if there was any?

1 A Originally it was a five day program. It was
2 done in our building. We owned a building on north
3 Dearborn. We had a sub-basement type room that probably
4 accommodated 12 to 15 people. And the basic content was
5 what we call behavior symptom analysis. How do we
6 evaluate the credibility of a subject based on their
7 verbal and nonverbal skills. How to structure the
8 investigative interview, the kinds of questions to ask,
9 et cetera. And then of course, how to conduct an
10 interrogation.

11 Q Great. And how, if at all, has that
12 curriculum shifted over the years?

13 A Well, it's become more refined. It's
14 developed based on laws because one of our guiding
15 principles to always conduct interviews and
16 interrogations in accordance with the guidelines
17 established by the Courts. And so we have to be up to
18 speed on that. And some states over the years have
19 passed specific legislation. Like you cannot lie to a
20 juvenile or things of that nature. So you know, it
21 changes particularly in accordance with legal
22 considerations.

23 Q All right. And is the interrogation and
24 interview seminar currently five days?

25 A Four days.

1 Q Four days.

2 A We have shorter versions, but our core program
3 is four days.

4 Q And was being trained on interviews and
5 interrogations, something that was required of polygraph
6 examiner at Reid and Associates in 1995?

7 A They would've gone through our program. Sure.
8 And they would've gotten individual training during the
9 course of their work with the firm. Because a person
10 would do an interview, do an interrogation, a senior
11 person might observe it, sit down, critique them, give
12 them feedback, suggest different options of what they
13 could have said or done, that kind of thing.

14 Q It's my understanding that there is a Reid and
15 Associate manual that is still being utilized today?

16 A Well, there are two books that we have
17 published that are the guidelines for on the one hand
18 polygraph. It's called Truth and Deception, the
19 Polygraph Lie Detector Technique by John Reid and Fred
20 Inbau. And then the second book is Criminal
21 Interrogation and Confessions. And that focuses on the
22 interview interrogation process.

23 Q I'm sorry, can you repeat the last title for
24 me again? Criminal --

25 A Interrogation.

1 Q Interrogation.

2 A And Confessions.

3 Q And confessions. What year was Truth and
4 Deception published approximately?

5 A I believe the first edition in 1966, the
6 second edition in 1977.

7 Q And when was Criminal Investigation and
8 Confessions published?

9 A Criminal Interrogation.

10 Q Interrogations, yes. And confessions.

11 A First Edition, 1962. The Fifth Edition, 2013.

12 Q And do you recall the authors of the Criminal
13 Interrogation and Confessions?

14 A The first two editions were John Reid and Fred
15 Inbau. I joined them for the third, fourth, and fifth
16 editions. And one of our colleagues, Bryan Jayne, J-A-
17 Y-N-E, joined us from the fourth and fifth editions. I
18 don't think he was on the third.

19 Q And so when you were working to create the
20 third, fourth and fifth editions, what was the process
21 of doing that? Just kind of broadly?

22 A Well, when I got involved they had already
23 published two versions. And after X number of years,
24 they thought it was time to write a third version and
25 update it with court decisions, legal observations, and

1 things that we had learned from our work. Because one
2 of the things that we do on a regular basis is we
3 conduct what are called post confession interviews.
4 After somebody confesses and tells us what they did and
5 give us the appropriate corroborating detail, we
6 interview them and find out why did you decide to tell
7 us. What did the investigators say that made you decide
8 to tell him or her what happened? And after doing that
9 for a number of years, we learned new things about the
10 best way to approach people based on their personal
11 experience with the process. And so we would add
12 different steps in as we learn them.

13 Q I'm not trying to be difficult. I'm just
14 trying to get to the reasoning why you would publish a
15 new edition as a specific point. Is there a certain
16 amount of years that go by, you decide that it's
17 necessary to update, or does it have certain focal
18 points in your practice that necessitate a new edition?
19 Yeah. New addition of some sort.

20 A Okay. Yeah. Well, yes. I mean, for example,
21 in the last two editions, the fourth and fifth edition,
22 we included information and chapters we didn't have in
23 our prior books. Such as how to distinguish a truthful
24 confession from a false confession. What are some of
25 the research that social psychologists have done on the

1 issue of interrogation. What do social psychologists
2 testify to as to issues with law enforcement,
3 interrogations, et cetera. What do they say that's
4 accurate. What do they say that's not accurate. What
5 would you as a police officer say, if you were presented
6 with a question like this, et cetera. So sure things do
7 change over time.

8 Q And --

9 A Excuse me. There you go. Okay.

10 Q Of course. And so within the teaching of
11 interviews and interrogation is reading Truth and
12 Deception and the current copy of the Criminal
13 Investigations [sic] and Confessions requirement?

14 A For who?

15 Q For someone within the seminar itself?

16 A No.

17 Q Is it a requirement for Reid and Associate
18 employees?

19 A Well, all of our current employees, I know for
20 a fact have read both books. The Truth and Deception
21 book is used as one of the training manuals during their
22 six month training program. And the earlier editions,
23 depending on when they went to school with us, Criminal
24 Interrogation is also one of the books that's used.
25 Students at our training programs, get a workbook for

1 that training program that has a lot of the information
2 in there, but it is not the books.

3 Q And what is the process for creating the
4 workbooks?

5 A Well, we had an original workbook that we
6 began to expand and develop additional information for
7 depending on changes in the way we approach things, the
8 addition of new procedures, the issues of false
9 confessions, the issue of juvenile interrogations. And
10 so the book would expand as our course material would
11 expand.

12 Q Okay. And I'm going to pull up --

13 A (clears throat) Excuse me.

14 Q Of course. So let's circle back around to
15 documentation really quickly. What is the practice of
16 Reid and Associates when it comes to documenting
17 polygraph examinations?

18 A We write -- we typically write a report.

19 Q Okay. And is there any training given to
20 polygraph examiners for writing a report after a
21 polygraph exam has been given?

22 A Oh, I'm sure.

23 Q Do you have knowledge of what that training
24 is?

25 A Sure. I mean, we would teach them the format

1 that we like to follow. We would introduce the subject
2 matter of the examination, who the examinee was, the
3 dated examination. We would discuss if it was relevant,
4 any pre-test discussion that shed light on the issue. We
5 would list the test questions that were asked. We will
6 list our opinion as to whether the person was truthful
7 or deceptive. And any post-test acknowledgements or
8 admissions that might have taken place.

9 Q Okay. And would that training have been
10 something that occurred during the six month course that
11 you guys provided or Reid and Associate provided, or is
12 that something that is an in-house training once
13 someone's been hired?

14 A Well, I think they'd be both. I think they'd
15 be introduced to the fact that a written report is
16 written and given the outline of it. And then when they
17 actually did cases on their own and were writing
18 reports, they probably had guidance from senior people
19 as to, you know, how to frame the questions, or how to
20 frame the statements, et cetera.

21 Q Okay. And are there any types of forms that
22 Reid and Associate employees are trained to utilize when
23 conducting an interrogation?

24 A Forms for an interrogation?

25 Q Sure.

1 A No. I'm not aware of what you have in mind,
2 but no.

3 Q Okay. And when would Reid and Associates
4 expect polygraph examiner to utilize a Miranda waiver?

5 A When a person is in custody or where there is
6 -- brought in by the police departments. And I am not
7 happy with some of this because some of the Courts say
8 when someone's a suspect, they should be advised of
9 their rights. When someone is somebody who's the focus
10 on an investigation, they should be advised of their
11 rights. When in fact, the Supreme Court says it's only
12 custody. So we give the rights to people who are coming
13 in on behalf of law enforcement, simply as a CYA.

14 Q As a CYA?

15 A Yeah.

16 Q What's a CYA?

17 A We just want to make sure we have all our
18 bases covered.

19 Q Okay. Now I actually want turn towards a
20 manual that we produced during discovery. And I believe
21 the deposition notice would be Exhibit 1. So let's say
22 this is an Exhibit 2. And it says the Reid Technique of
23 Interviewing and Interrogation. Now I'm going to posit
24 to you that this is a long document. So I'm just going
25 to kind of ask broad questions, but I'm going to scroll

1 through the first few pages and ask whether or not you
2 recognize what this document is and how it would've been
3 utilized?

4 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

5 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

6 A Sure. That's one of the workbooks that we
7 distribute to our students at our training programs.

8 Q Great. And I wasn't able to find a date on
9 this. I assume, given the copyright -- do you see the
10 copyright here?

11 A Yes.

12 Q That it would've been sometime after 2012.

13 A Yes.

14 Q But do you have knowledge of when this
15 workbook I can go to the table of contents would've been
16 utilized?

17 A No. Not more specific than post 2012. Yeah.

18 Q Okay. And then more specifically, however,
19 and I can go to the specific steps and pages of
20 necessary. Where I'm highlighting the Reid Nine Steps
21 of Interrogation. Do you see that?

22 A Yes. Yes.

23 Q "The posit of confrontation, interrogation
24 themes, handling denial, overcoming objections,
25 procurement and retention of the subject's attention,

1 handling the subject's passive mood, presenting an
2 alternative question, having suspect orally relate
3 various details of the offense, and elements of oral and
4 written statements." Would it be fair to say that's the
5 current nine steps within the Reid method or Reid
6 technique, whatever, however you want to classify it?

7 A Yes.

8 Q Okay. And these nine steps, were these
9 initially formulated by Mr. Reid and I'm going to
10 mispronounce his name, but Fred Inbau in the '60s and
11 '70s?

12 A In the 1960s?

13 Q Yes.

14 A No.

15 Q And when were these nine steps within the Reid
16 technique developed specifically?

17 A They were developed over a period of years
18 through the '70s. I think we might have first
19 introduced them at some point in the 1980s.

20 Q Okay. And is the Reid technique or these nine
21 steps something that you'd teach within your interview
22 and interrogation courses?

23 A Yes.

24 Q And are these nine steps something that
25 someone who is going through the Reid College for

1 polygraph examination would also be familiar with?

2 A Yes. If we were doing that today, yes.

3 Q Okay. And if someone was a -- you know 1995,
4 going back to the incident in question of this
5 litigation, would these nine steps be something you'd
6 expect a polygraph examiner to utilize when interviewing
7 or interrogating a suspect?

8 A Well, you used two words there, you used
9 interviewing and interrogation and they're very
10 different.

11 Q Sure. So let's take interviewing first. Would
12 this be something you'd expect an employee in 1995 at
13 John Reid and Associates to utilize during an interview?

14 A No.

15 Q And would these nine steps be something you
16 would expect a Reid employee in 1995 to utilize during
17 an interrogation?

18 A Yes.

19 Q Okay. And outside of these nine steps there
20 are there any other principles of the Reid technique
21 that are not listed here?

22 A Well, sure. We have a set of core principles
23 that underline everything that we do.

24 Q Would you mind outlining those core principles
25 for me?

1 A Sure. Number 1, always treat the subject with
2 decency and respect. Number 2, always follow the
3 guidelines established by the Courts. Number 3, never
4 engage in promises of leniency. Number 4, never engage
5 in physical harm, the threat of physical harm, or the
6 threat of inevitable consequences. Use extra caution
7 with juveniles and people with mental impairments. And
8 be sure to honor the subject's rights and both their
9 legal rights and if it -- if they've been with you for
10 an extended bit of time, their physical needs. And I
11 think those are the primary principles.

12 Q Great. So that just wanted to go through that
13 one more time. So I know I have it down correctly. So
14 that's treating people with decency and respect would be
15 one.

16 A Yes.

17 Q Following the guidelines of the Court would be
18 another?

19 A Yes.

20 Q Not making any promises of leniency would be
21 another?

22 A Yes.

23 Q Okay. No physical harm or threats and
24 intimidation would be another?

25 A Yes.

1 Q And I believe you said no threat of inevitable
2 consequences; is that correct?

3 A Yes.

4 Q Okay. You also said that no deception of
5 minors. Am I getting that right?

6 A Use extra caution.

7 Q Use extra caution.

8 A When in interviewing or interrogating,
9 particularly socially immature juveniles. (coughing)
10 Excuse me.

11 Q Of course. And tending to the needs of a
12 subject, especially if they've been there for a long --
13 being interrogated or interviewed for a long time?

14 A Yeah. If they've been there for, you know --
15 you know, quite a long time, you know, and somebody
16 says, gee, I need my inhaler. It would be inappropriate
17 and say, we'll get your inhaler after you tell us what
18 happened.

19 Q And then I believe you also said respecting
20 the legal rights of subject, is that correct?

21 A Of course never denying them any of their
22 rights.

23 Q Never. And did I miss any?

24 A I think I'm leaving something out, but I could
25 -- oh, be care -- do not conduct interrogations for an

1 excessive period of time.

2 Q Okay. Part of the reason I'm asking this is
3 because I wanted to go through these with you and go
4 over some of the reasoning behind these core principles.
5 So I think, you know, treating people with decency and
6 respect and following legal guidelines is pretty
7 straightforward. But I wanted to ask you why one of the
8 core principles is not promising someone leniency?

9 A Because the Courts have found that promises of
10 leniency -- look, if you tell us you did this, you're
11 going to go home, we're not going to put you behind bars
12 is coercive and could lend or create an environment
13 where an innocent person confesses.

14 Q So if someone said, for example, if you tell
15 us this you're free to leave, or if you -- I'll phrase
16 that better. If you admit to a crime, you can go home.
17 That would be a promise of leniency that you would
18 believe was coercive. Correct.

19 A If it's not true. If they're going to let
20 them go home, then it's a true statement.

21 Q And what other promises of leniency would you
22 consider to be coercive in nature?

23 A Look, you're charged with a homicide. If you
24 just plead out to whatever minor level of homicide would
25 be, we'll make sure you get less time in jail.

1 Manslaughter or whatever it is. I don't know how that
2 ranks.

3 Q All right. And moving on to the no physical
4 harm and intimidation. What is considered intimidation
5 within these core principles?

6 A Well, if -- if I'm a suspect and you come into
7 a room and you threaten that, if I don't tell you what
8 happened, you're going to shoot me in the leg. That
9 would be intimidation.

10 Q Outside of threats, are there other forms of
11 intimidation that you train someone interrogating a
12 subject to not engage in?

13 A Oh, I'm sure there's all kinds. I mean, in
14 our book, we lay out all kinds of different cases where
15 the Court says, this is improper. This is improper.
16 This is improper. You know, telling somebody that --
17 look, let's say in a SIDS case where baby has died. If
18 you go to jail, you know what they do to, you know,
19 fathers who kill their babies? They're baby killers.
20 Okay. You're not going to last their more than six
21 months. You know, threatening them with that kind of
22 future harm, that kind of thing. It is certainly an
23 intimidation factor.

24 Q Okay. And then moving to the no threats of
25 inevitable consequences, can you expand on that

1 principle for me?

2 A If you don't tell me you did this, I'll make
3 sure you never see your family again. If you don't tell
4 me you did this, I'll make sure your kids are taken away
5 from you.

6 Q And so that would be if you don't agree with
7 what I'm saying or follow along with what I'm saying,
8 you're going to face this consequence.

9 A Yeah.

10 Q Makes sense. Okay. And with the principle of
11 using extra caution for minors, or I think you said
12 something to the lines of people who are less
13 developmentally --

14 A Socially immature.

15 Q Socially immature. Would that only apply to -
16 - in your practice, does that only apply to minors or
17 does that also apply to someone who might have a
18 developmental disability, for example?

19 A Oh, yeah. One of our principles, and I guess
20 I didn't say it, is to you exercise caution with people
21 with mental or psychological impairments. If you've got
22 somebody with a very low IQ, you have a question about
23 whether or not they can understand the Miranda rights,
24 you should take extra time to walk them through each one
25 and talk to them about it to make sure they know the

1 case. Several years ago in Illinois, they passed
2 legislation that juveniles have an expanded Miranda
3 right qualification that police have to go through.

4 Q And with regards to the psychological
5 impairments, what are the types of psychological
6 impairments that you train interrogators to be on a
7 lookout for when they're interrogating a suspect?

8 A Oh, schizophrenia, neurosis, psychopathy or
9 psychopaths, you know, bizarre kind of behaviors, not
10 somebody who had a bad day or that kind of thing.

11 Q Okay. Do you provide any training on whether
12 or not how to recognize if someone is in acute mental
13 distress?

14 A In one of our books called the investigator
15 anthology, we have chapters on personality disorders and
16 some of the signs that you might look for. I don't know
17 that one is specifically mentioned, but it could be.

18 Q Is the training that you provide on
19 interrogation specifically cover how to recognize if
20 someone's in acute mental distress?

21 A Not so much interrogation, but on interviewing
22 because interviewing is typically the first step. And
23 one of the things that we teach to do with the outset of
24 the interview is to establish a behavioral norm or
25 baseline for this subject. So you talk to them about

1 their background, what they do for a living, maybe some
2 recent news event or weather event in the area to kind
3 of get a baseline. Are they conversant? Do they
4 understand? Are their answers reasonable for whatever
5 you've asked about, that kind of thing. And so then as
6 you go through the interview process and you begin
7 asking questions about the issue under investigation and
8 you see a significant change in those behaviors, it may
9 suggest a level of anxiety because of possible
10 involvement. We can't make that judgment, but it's
11 something that we are aware of.

12 **Q One of the core principles that you mentioned**
13 **is not conducting an interrogation for an excessive**
14 **period of time, correct?**

15 **A Yes.**

16 **Q And what would you consider an excessive**
17 **period of time to be?**

18 **A Well, I'll give you an example. When you look**
19 **at the body of false confession cases from DNA**
20 **exonerations and from research done by Richard Leo and**
21 **Steve Drizen, they found that the average false**
22 **confession case came after 16 hours of constant**
23 **interrogation.**

24 **Q Okay. So past 16 hours, you would consider**
25 **that to be excessive.**

1 A Well, you could --

2 MR. PASQUALINO: Object to form. Go ahead. I
3 think mischaracterizes testimony. Go ahead. Joe,
4 you could --

5 THE WITNESS: Okay. You could have a coerced
6 confession in 30 seconds. If I walk into a room and
7 put my gun to your head and say, if you don't tell
8 me what happened, I'm going to blow your head out
9 and the guy confesses, it's a coerced confession,
10 but it took 30 seconds. So the Courts have never
11 established a specific time because they want to
12 look at the totality of circumstances.

13 BY MS. GARCIA:

14 Q So has Reid and Associates established a
15 specific time they train on in terms of this is -- if
16 you've hit this level of time, it's excessive?

17 A Well, what we say in our book is that if you
18 interrogate somebody for three or four hours and they're
19 adamant in their denials, very vocal in their denials,
20 consistent in their denials and you're not making any
21 headway at all, it might be time to step back and see,
22 are we on the right track?

23 Q And is there a specific amount or even
24 approximate amount of time, you would say if there's
25 persistent denials that it's time to switch tracks?

1 A The three to four hours I mentioned.

2 Q Yes. That it would be three to four hours?

3 A Yes.

4 Q Okay. Great. And now turning actually back
5 to the nine steps of interrogation, can I first ask you
6 what the purpose of the Reid Technique is? How is it
7 formulated to work?

8 A Well, when you say the Reid Technique, you
9 mean the read technique of interrogation?

10 Q Yes.

11 A Okay. The purpose is to learn the truth.

12 Q Okay. And outside of its truth telling
13 function, are there other purposes of the Reid Technique
14 of interrogation?

15 A No.

16 Q Would you agree that the Reid Technique is
17 formulated in such a way to elicit a confession from a
18 subject?

19 A No.

20 Q Okay. One of the steps of the Reid Technique
21 of interrogation is overcoming objections, correct? And
22 so if someone was continuing to object and say that, you
23 know, I didn't do whatever I'm being accused of and
24 continuing to speak over those objections, would that
25 perform a truth compelling function or wouldn't that

1 more fairly be seen as trying to elicit a confession of
2 some sort?

3 A Well, what you described is not an objection.
4 What you described is a denial.

5 Q Okay.

6 A An objection is when somebody uses something
7 to kind of suggest they couldn't do it. For example,
8 let's say in a child abuse case, the subject says to
9 you, "Look, I could never do something like that. I'm a
10 Catholic." Or money is stolen from the safe and the
11 person says, "I could never do that. I don't have the
12 combination." So they're not denying that they did it.
13 They're giving a reason why they "couldn't". So that's
14 a different process than the denial phase. Now, to
15 clarify, innocent and guilty people both deny they did
16 it, but to learn the truth, if I can expand on that,
17 there are four possible outcomes to an interrogation. 1
18 is that the deceptive person acknowledges what they did
19 and gives us corroborating detail. 2, the person may be
20 innocent, but he may say to us the interrogation, "Look,
21 I didn't do it, but I know who did. Okay. And I didn't
22 tell you that because I'm afraid of what he'll do if he
23 finds out, but I can tell you now, here's who did it." A
24 third outcome might be a truthful person who says to us,
25 "Look, it had nothing to do with this thing, but look,

1 this is embarrassing, but I was somewhere that night I
2 wasn't supposed to be. I was with somebody I shouldn't
3 have been with and I don't want my family to know." And
4 a fourth outcome is where the investigator steps out of
5 the room and says -- or thinks or says to a colleague,
6 "This guy's adamant in his denial. He's very strong. I
7 think we better take a second look."

8 **Q And when you take a second look, would you**
9 **expand on that a little bit?**

10 A Maybe there are other people that we want to
11 interview or talk to. Maybe there are other people that
12 we want to get some background information on. Maybe he
13 refers to someone in the interview that we need to look
14 at who might have guilty knowledge and might help us in
15 some way. It's hard to say, but we might step back and
16 say this guy bit my head off for three hours. There's
17 no way at this point I can believe that he did it.

18 **Q Right. And when it comes to the Reid**
19 **Technique of interrogation, the process itself starts**
20 **off with a positive confrontation, correct?**

21 A Yes. Statement of involvement.

22 **Q And can you expand on what a positive**
23 **confrontation would be within the Reid nine steps of**
24 **interrogation?**

25 A Interrogation associated with the polygraph

1 test or independent?

2 Q First independent and then polygraph?

3 A Okay. In independent, the results of our
4 investigation clearly indicate you broke into the
5 Jason's jewelry store. If the polygraph test had been
6 questions about did he break into the Jason's jewelry
7 store, we may say the results of the polygraph test
8 indicated you haven't told the truth about the break in
9 Jason's jewelry store.

10 Q So in the polygraph example, the positive
11 confrontation would come after there was a deceptive
12 test of some sort?

13 A Correct.

14 Q Okay. And so would fair to say the positive
15 confrontation is, here's this set of facts that indicate
16 you had something to do with, in this example, breaking
17 into this jewelry store. Can you explain that?

18 A Yes.

19 Q Okay. And step two is interrogation themes,
20 correct?

21 A Step two. Yes.

22 Q Okay. And can you expand on what that means
23 within the technique?

24 A Yeah. In step two, which is typically a
25 monologue, the investigator proposes psychological

1 justifications or reasons for the subject to commit the
2 crime. So let's just say on an embezzlement case,
3 "Look, Charlie, I know the pressures you've been under.
4 I know your wife lost her job in covid. I know you were
5 furloughed for, you know, for 12 months. I know you've
6 got a lot of medical bills. I think you got involved in
7 this kind of thing to help your family, to take care of
8 your family. I don't think you're trying to get money
9 to go out and buy drugs or party. I think it was for
10 your family." So we're giving him a psychologically
11 acceptable reason, not a legally acceptable reason
12 because just because he stole money to take care of his
13 family doesn't make it obviously legally acceptable, but
14 we're making -- we're giving him a reason that makes it
15 more understanding. That's an example.

16 Q Okay. And when it comes to giving a, you
17 know, psychological reason that may make it more
18 understanding this person committed a crime. Have there
19 ever been concerns that in offering psychological
20 justifications for why someone might have committed a
21 crime, it may elicit a false confession?

22 A By itself? No.

23 Q Yeah. Why not?

24 A Because the proof of a confession is the
25 details. Somebody walking into our office and saying I

1 did it means nothing. They have to give us information
2 that corroborates what they say they did. Now, if they
3 take us to the murder weapon, they take us to the stolen
4 jewelry, they take us to the bloody clothes that they
5 were wearing, that's corroboration that "I did it" is an
6 accurate statement. As you know, when -- when you have
7 a high profile murder somewhere, hundreds of people walk
8 in and say, "I did it" because they're typically
9 suffering from psychological issues. But saying I did
10 it doesn't mean anything.

11 **Q All right. And so after the kind of**
12 **interrogation themes or the psychological themes are**
13 **expanded upon, the next step is handling denials,**
14 **correct?**

15 **A** Step 2, theme development, is intermingled
16 with handling denials and overcoming objections because
17 as you're developing the theme, inevitably, subjects
18 will attempt to interject themselves saying, "I didn't
19 do it." And so we know from experience we never win the
20 argument. Yes, you did. No, I didn't. Yes, you did.
21 No, I didn't. So when the person is beginning to
22 introduce their denial, can I say something? Could I
23 explain? We'll say to them, "Mary or John, just hold on
24 one second. Let me make this one for further point." We
25 try to minimize the frequency of the denials. We never

1 stop anybody from saying what they want to say, but we
2 do try to discourage them. And quite frankly, a lot of
3 guilty people deny it anyway, but that's the intent.

4 **Q And what's the intent of minimizing denials?**

5 A To avoid yes, I did. No, I didn't. Yes, you
6 did. No, I didn't because once you're on that track,
7 it's hard to get off.

8 **Q Okay. And when you handle denials, what are**
9 **some of the techniques that are taught for, you know,**
10 **confronting someone who is continuing to deny, deny,**
11 **deny?**

12 A Well, most deceptive people introduce their
13 denials with permission phrases. Can I say something?
14 Would you listen to me? Truthful people don't.
15 Truthful. People get in our faces, say, "I don't care
16 what's in that file. I had nothing to do with this
17 thing," and they're all over us. Deceptive people, "Can
18 I say something?" So when we hear that, we teach our
19 investigators to interject yourselves. "John, just hold
20 on for a second," and use nonverbal gestures to
21 reiterate that. Kind of the stop sign, turning your
22 head away and the person pauses, you continue your
23 theme. And this could go on many times during the
24 course of an interrogation.

25 **Q And what's your basis for the belief that**

1 deceptive people tend to have the type of denial you
2 described of, "Can I say something," or something to
3 that effect.

4 A From looking at verified cases. So when we
5 have an interrogation and where that kind of language
6 took place, they admit the crime, they take us to
7 corroborating evidence such as the murder weapon, the
8 stolen jewelry, et cetera. We can look back and see
9 what they said and kind of say this came from a known
10 guilty person. And when you start seeing that repeat
11 itself over hundreds of interrogations, it begins to
12 establish a pattern or practice, if you will.

13 Q Have you regarding the pattern or practice, is
14 there any sort of research or scientific papers that
15 have been published regarding this claim that deceptive
16 people tend to interject in the way you described?

17 A Scientific papers are for the most part,
18 useless in our business. We're looking for what real
19 people tell us was their motivation, what real people
20 would tell us was their reason for doing it. See, many
21 of the scientific papers, if you will, are creating
22 false environments and testing them. For example, a
23 professor will have 30 college students volunteer for a
24 project. He'll tell 15 of them to go into the
25 professor's room, steal the \$200 out of the drawer and

1 then all 30 will be interviewed by an investigator and
2 half of the 30 who stole the money are supposed to deny
3 it and see if he recognized that they're guilty. Half
4 might admit it, depending on what they say. And so they
5 speculate based on that kind of research, what are
6 effective techniques, what behaviors are reliable when
7 there's no correlation between that and the real world.
8 A college student has nothing at stake if he screws up,
9 if he's found to be guilty when he was really innocent,
10 isn't when he is guilty. The most that's going to
11 happen, he can't keep the money he's stole or whatever.
12 So they're very misleading because they don't really
13 mirror the real world. And Sal Casten, who I'm sure
14 you're familiar with, has said that in several of those
15 publications. That you have to be very careful about
16 drawing inferences from our student research, if you
17 will, to the real world.

18 Q Sure. And just broadening this out to the
19 Reid Technique of interrogation, more generally have
20 you, in your time as president or other stakeholders
21 within John Reid and Associates, considered partnering
22 with someone, such a social psychologist to undergo
23 research into the efficacy of the technique?

24 A Oh, there's no problem with the efficacy of
25 the technique. We don't need research on that.

1 Q And what's your basis for that claim?

2 A Well, the efficacy of the technique, you mean
3 the reliability of it? Do you mean the accuracy of it?

4 Q Yes.

5 A The corroboration in step 8, getting
6 corroboration.

7 Q Okay. Turning back to the steps themselves
8 because I feel like we've kind of talked about step 2,
9 3, and 4 already as more of a unit. Can you expand on
10 what step 5, the procurement and attention of the
11 suspect's attention means?

12 A Sometimes after a bit where the subject begins
13 to ingrain the notion of the theme and -- and they're
14 thinking about telling us what happened, they kind of
15 draw into a shell and they begin to think about what's
16 going to happen to them. Am I going to go to jail? Am
17 I going to lose my job? What's going to happen to my
18 children, et cetera. And so we really don't want them
19 thinking about the consequence of what they've done.
20 That reminds them not to tell the truth. So what we'll
21 typically do is kind of maybe move a little bit closer
22 or get their attention by bringing eye contact to their
23 level, so they're focused on what we're saying and not
24 those thoughts of consequence.

25 Q Okay. And the next step would then be

1 handling the suspect's passive mood. Is this a step
2 that's always followed or is this something that is only
3 if there's a passive mood by the suspect?

4 A It's -- it's kind of ingrained with the prior
5 one, passive mood meeting they're not saying anything.
6 They're looking down. They seem disinterested. They're
7 not focused on us. Again, we -- they're -- they're kind
8 of part and parcel of each other. Six -- you know, five
9 and six.

10 Q Great. And so the next step would then be
11 presenting an alternative question, correct?

12 A Yes.

13 Q There's the dog that just barked. I don't
14 know if you heard him. Turning back to the question:
15 Could you expand on what it means within the Reid
16 Technique to present an alternative question?

17 A Alternative question is where we give the
18 subject -- (cough)excuse me. A question of which we
19 juxtapose two different reasons for committing the
20 crime. Is this the first time you've done something
21 like this or has it happened before? Was this your idea
22 or did your buddies talk you into it? Did -- did you
23 plan on doing it or was it a spontaneous action? They
24 have three choices. They can choose one of those two or
25 they can say, "Hey, wait a minute, pal, I didn't do

1 anything." I've lost your volume.

2 Q So sorry. Again, the dog just left so I
3 wanted you not to be distracted by that. But once the
4 alternative question is presented, the next I believe is
5 the confirmation you were talking about, which is having
6 the suspect orally relate various details of the
7 offense; is that correct?

8 A Yes.

9 Q And what are some of the other aspects of step
10 8 besides having that corroboration?

11 A Well, you're going to -- first of all, when he
12 accepts the alternative and says, "Oh, this was a spur
13 of the moment thing. I didn't plan on doing this at
14 all." Okay. Can you start me out as to what happened
15 first and have them go through their statement as to the
16 sequence of events, along which we'll be asking
17 questions to develop additional details through their
18 story, part of which are the corroborating details. So
19 it's orally walking them through as they describe what
20 they did, how they did it, the circumstances, et cetera.
21 Step 9 involves basically taking that verbal statement
22 and executing a written document. Whether they write it
23 out, we write it for them and they read it and sign it,
24 you have it recorded. Sometimes there's a stenographer
25 involved, but it's documenting that statement.

1 Q Great. And so then when the suspects --

2 MR. PASQUALINO: Would this be a good time for
3 five minutes?

4 Q I just wanted to ask one more question and
5 then we can take a five minute break. And so then once
6 you have those statements corroborated, I believe the
7 last step is elements of oral and written statements. So
8 can you explain what that means in the Reid
9 interrogation context?

10 A Well, as I just said, it means documenting the
11 verbal version. Take -- executing a written statement.
12 Now, whether we write it out and they read it and sign
13 it, whether they write it out in their own language,
14 whether we have somebody come in, you know, like a
15 sonographer and take it down, a court reporter. If you
16 are -- a law enforcement agency might bring in a court
17 reporter in. Creating a documented statement. Now, if
18 you've been recording the interview and the
19 interrogation, you certainly have that, but we still
20 encourage people to get a written statement because
21 sometimes the recording isn't admissible because of
22 other things the subject has referenced or talked about.

23 MS. GARCIA: Great. Yes, and Mick, I think now
24 is a good time to take the five minute break or
25 maybe we can just make it around seven and come back

1 around 11:30.

2 MR. PASQUALINO: That works. Joe, that work
3 for you?

4 THE WITNESS: Sure.

5 MS. GARCIA: Awesome. And I think just for
6 your purposes, Mick, I think I'm about halfway
7 through, so it should be around three hours.

8 MR. PASQUALINO: I appreciate it. Thank you
9 very much.

10 MS. GARCIA: Of course.

11 MR. PASQUALINO: I'll see you guys at 11:30.

12 COURT REPORTER: We're off the record. Time is
13 11:23 a.m.

14 (OFF THE RECORD)

15 COURT REPORTER: We're back on the record for
16 the deposition of Joseph P. Buckley being conducted
17 by video conference. My name is Kortney Chase.

18 Today is August 26, 2022 and the time is 11:31 a.m.

19 BY MS. GARCIA:

20 Q Great. When we left off, we had gone through
21 the nine steps of the Reid Technique for interrogation,
22 and I wanted to ask more specifically about what steps
23 are taken within Reid and Associates to either evaluate
24 or reform any standards you have around interrogation.

25 A Well, the first place we look are courts and

1 to see if the Courts say anything where we have to
2 modify something we're saying or teaching. We look at
3 state statutes. For example, in Illinois, last year
4 they passed legislation that said investigators could
5 not misrepresent evidence to 17-year-old suspects
6 subjects or younger. You know, you can't tell them you
7 got a witness when you don't kind of thing. And that
8 had not been the law prior to this year, so that's the
9 first place we would look. Second place we would look
10 is information that we're getting from subjects. You
11 know, what they tell us in post confession interviews.
12 The reason I didn't tell that guy yesterday who talked
13 to me is because he did A, B, C, and D, and I wasn't
14 going to give him the time of day. And so we learned
15 from talking to actual people.

16 **Q And are you aware of criticisms of the Reid**
17 **Technique of interrogation as being too heavy-handed in**
18 **attempting to illicit confessions?**

19 A Not from the Courts, but from social
20 psychologists and defense attorneys.

21 **Q And do you believe there's merit to those**
22 **criticisms?**

23 A No.

24 **Q Why not?**

25 A Simply from having worked with the process for

1 50 years and having seen it thousands and thousands of
2 times because number one, we don't engage in any of the
3 coercive behaviors that are attributable to false
4 confessions, threats, promises, denial of rights, et
5 cetera. Secondly, we always give a person to explain
6 what they want to explain and if they do make an
7 admission, we need corroboration to make sure we've got
8 a legitimate statement.

9 Q And is the Reid Technique of Interrogation a
10 foolproof method of eliciting confessions?

11 A Of course not.

12 Q Okay. Have you had any experience or know of
13 any times in which a confession was elicited using the
14 Reid Technique and has turned out to not be true?

15 A Not by our staff people. I can't speak for
16 people who we've trained and have gone out there and
17 conduct interrogations that ended up being false
18 confessions, maybe stating they used the Reid Technique
19 when they may or may not have that. That we don't --
20 we're not there.

21 Q So over the past -- my math is bad. That's
22 why I became a lawyer, but over the past two to three
23 decades, you've never been made aware of a time when
24 someone utilizing the technique who's within the John
25 Reid and Associates staff has elicited a false

1 confession of any kind?

2 A Right.

3 Q Okay. And has Reid Associates ever engaged
4 with social psychologists in attempting to formulate the
5 Reid Technique?

6 A Well, I think probably early on, John Reid and
7 Fred Ambo dealt with psychologists that they worked with
8 from the University of Illinois and Phillip Ash, A-S-H,
9 particularly in the '70s and early '80s. I wasn't quite
10 involved at that level of conversation at that point,
11 but I know they worked with him on different elements of
12 the process. I don't know the details, but other than
13 that, no.

14 Q And so would it be fair to say that you
15 haven't worked with any social psychologists in
16 developing either the manuals or the books that you
17 referred to earlier?

18 A No. No.

19 Q Okay. And why is that?

20 A Well, most of what they contribute doesn't
21 help us. Most of what they contribute is on the
22 negative side. You know, actually, many of them think
23 we're too effective. They say interrogation is walking
24 into a room saying to a guy, "You did it," and saying
25 okay. And if you do any more than that, you know,

1 you're coercing. So they have a different mindset.

2 Q Okay. That's fair enough. And moving away
3 from that, I know that the seminar itself that Reid and
4 Associates teaches is interviews and interrogations. So
5 how would you classify an interview versus an
6 interrogation?

7 A Interviews are non-confrontational, non-
8 accusatory, information-gathering conversations.
9 Interviews are typically Q&A. There's two kinds of
10 questions we ask in our interviews. Investigative, who,
11 what, when, where, why kind of questions and behavior-
12 provoking questions. These are questions that we know
13 most truthful people answer one way, most deceptive
14 people answer the exact same question a completely
15 different way. And I'll give you a -- a very simple and
16 clear example. Someone has killed your next door
17 neighbor. The police are interviewing all of the
18 immediate neighbors. And during the course of
19 interviewing you, they ask you, "If we find the person
20 or persons who did this, what do you think should happen
21 to you -- to that person?" And of course you would say -
22 - well, you're probably thinking which neighbor? No,
23 you would say prosecuted, sent to jail, behind bars for
24 the rest of his life. But let's say, you're the person
25 who killed your neighbor, and they ask you what should

1 happen to the person who did this? What are they asking
2 you to say? What should happen to you? And so what do
3 most bad -- bad guys say? "Gee, I don't know. It's
4 hard to say. It depends on the circumstances." I mean,
5 you -- you know this guy's a real jerk, don't you? A
6 very different kind of answer. We have many of those
7 that we interject into the interview to see what kind of
8 responses we're getting from the person.

9 Q And what would you say in your experience, the
10 efficacy of this interview is in eliciting the truth of
11 someone's circumstance? And I know I've phrased that in
12 a very awkward way, so I can rephrase that.

13 A Yes.

14 Q You said you'd use kind of like behavioral
15 markers to try and see how someone reacts when you ask
16 them a question in an interview. Correct?

17 A Could you repeat that?

18 Q You said you used behavioral markers or
19 indications when conducting an interview under the Reid
20 method.

21 A Interview and interrogation, we're looking at
22 their behavior in both circumstances.

23 Q And this is part of the, you know, initial
24 questioning of a suspect, correct?

25 A Yes, the interview.

1 Q And have you found that there's any sort of
2 correlation between these behavioral markers and then
3 whether or not someone is in this instance, for this
4 example, guilty of murdering their neighbor?

5 A Are you asking me if there's correlation
6 between our judgment on their behavior going one way and
7 the outcome is that way, versus the opposite way?

8 Q Yes.

9 A Yes. Yes. See, here -- here's what I was
10 getting at before a little bit. These people who do
11 research on behavior, they will have a convict on --
12 then they will film him on film, telling what he did
13 when he committed his crime. Then in a separate day,
14 they'll have him -- tell him what he did on committing a
15 different crime, which he didn't do. In other words,
16 the second one is a lie. And the -- the convent is
17 agreeing to this. He's getting some money to do this.
18 They show both independent films to a group of
19 researchers, like police officers, not researchers, but
20 audience, researcher, students, and they find that those
21 people are no better than chance at figuring out who's
22 lying, because there's no behavior that is really
23 definitive of deception. So that's why we teach that
24 there's all kinds of things you have to do to assess
25 behavior. Number 1, there's no behavior unique to

1 lying. Just because someone doesn't look at you when
2 they answer does not mean they're lying. Maybe it's a
3 cultural issue, psychological issue, maybe they're
4 momentarily distracted by something. So you have to put
5 it in context. Secondly, the -- the thing that they
6 don't do in these studies is they don't establish a
7 behavioral baseline for the subject. They don't just
8 talk to him about background, non-threatening questions,
9 something about the news kind of thing, to see how they
10 sit, look at, gesture, et cetera. So the audience has
11 nothing to compare the behavior here when they're
12 telling their lie versus their normal behavior. There's
13 all kinds of problems with those research. So when they
14 say research is no better than chance in reading
15 someone's behavior, I can completely understand why
16 you're getting to that result. But in the real world,
17 we oftentimes will see somebody who gives us the -- the
18 bad answer on punishment, as I described with you for
19 Mitchell, and many other ones who go down to confess and
20 gives us good corroboration. We did a study that was
21 published in the Journal of Forensic Sciences. I
22 believe it was 1991, '92, '93, where we had six
23 reviewers looked at 60 videotaped interviews. And in
24 each of the interviews, we played 15 behavior-provoking
25 questions. They were 85 percent correct in identifying

1 who was lying versus who was telling the truth by just
2 how they answered those 15 questions. So they could be
3 very, very helpful.

4 Q But would it be fair to say that there isn't a
5 one-to-one, if the, you know, indicators of deceptive
6 behavior and eventual confession down the line?

7 A What do you mean by one-to-one?

8 Q So would it be fair to say just because
9 someone has those indications of deceptive behavior,
10 that doesn't necessarily mean that they're going to be
11 guilty or confess to a crime down the line?

12 A Oh, correct. Correct.

13 Q Okay.

14 A Correct.

15 Q Okay. I wanted to turn to polygraphing
16 specifically now.

17 A Sure.

18 Q And what would you say the purpose of
19 polygraphing is within the process of interview and
20 interrogation?

21 A I don't know what you're asking.

22 Q Sure. Asked another way: What is the purpose
23 of a polygraph examination?

24 A To test somebody on the truthfulness of their
25 statement. That's typically the purpose of a specific

1 issue. Did you commit this robbery, did you shoot this
2 person, did you sign this stolen check, that kind of
3 thing.

4 Q And when is it appropriate under the Reid
5 technique for a polygraph to be utilized?

6 A I would say in almost any investigation where
7 you have a specific issue that is o -- objective. You
8 really shouldn't be using polygraph on intent. Did you
9 intend to suggest to this person, A, B, C? Was it your
10 intent to do this? It's hard to measure intent. Intent
11 changes moment to moment. But the actual fact: Did you
12 set this fire, did you shoot that person, did you break
13 into this jewelry store, those are very concrete acts
14 that people know they did or did not do.

15 Q And so would it be fair to say that a
16 polygraph examination can be used as a tool of
17 investigation?

18 A It -- it -- it -- it typically is part of the
19 investigative process or could be part of the
20 investigative process.

21 Q Right. And in the process of polygraphing
22 someone, what is the first step within John Reid and
23 Associates, with the understanding that, you know -- or
24 like, let's ask this a better way. In 1995, what
25 would've been the first step of polygraphing someone

1 **within John Reid and Associates?**

2 A Well, the first thing we have to do is we have
3 to get information as to what the purpose of the test
4 is. What's the issue, what's the background, et cetera.
5 This could come from the employer. It could come from
6 the police. It could come from an attorney. It -- it
7 depends on who's interested in having someone tested. So
8 we have to get the background on what we call the case
9 information, from which we can focus on what kind of
10 questions we should ask or can ask, et cetera. That's
11 the first step.

12 Q Okay. And then what would the step after that
13 be?

14 A The s -- step after that would be to conduct a
15 pre-test interview, in which you're sitting with the
16 subject, talking to him about what the focus of the
17 investigation is, what their statement is, depending on
18 the kind of investigation, what they did during the time
19 period in question, their relationship to the victim,
20 their alibi if they have one, et cetera, the who, what,
21 when, where questions, and some of the behavior-
22 provoking questions and all. The interview is strictly
23 non-accusatory. And the role of the interviewer in the
24 interview is to be a neutral objective fact finder.

25 Q And is there any sort of time limitations that

1 **examiners are instructed to keep to within the pre-test**
2 **interview?**

3 A No, no. I mean, generally speaking, I would
4 say they're probably in the neighborhood of 45 to 60
5 minutes, probably at the outside. But some issues may
6 be a little bit less, depending on the complication.
7 Others, when we get, for example, in a commodity stock
8 fraud exchange, that interview might go an hour and a
9 half because it's complicated to understand.

10 **Q What occurs after the pre-test interview?**

11 A Usually the examiner will step out of the room
12 and formulate the test questions he's going to ask based
13 on the conversation with the subject, and he'll come
14 back in and review them. (clears throat) Excuse me,
15 read them to the subject so he knows what the questions
16 will be, there's no surprise questions or anything like
17 that. And have the other answer them, so we know what
18 he's going to answer during the test itself.

19 **Q Okay.**

20 A Following that, we usually attach him to the
21 instrument and begin the testing process where we're
22 reading through the questions while the various
23 physiological elements are being recorded.

24 **Q Okay. And what physiological elements are**
25 **recorded?**

1 A Respiration, abdominal and thoracic, blood
2 pressure, and what's called the galvanic skin reflex.
3 Some of our chairs have moment recorders in them to
4 record unobservable movements.

5 Q And is there any sort of time limitation
6 within the polygraph examination itself when they're
7 hooked up to the test?

8 A Well, let's take a test that has ten
9 questions. That ten question test is probably going to
10 run about maybe three, three and a half minutes with the
11 spacing between. We don't like to go more than four
12 minutes. I think the state loss is not more than five.
13 But we're -- we try to be under four, because after, you
14 know, four, four and a half minutes, five minutes, the
15 blood pressure cuff can become uncomfortable.

16 Q Okay. Is there any other reason why you tend
17 not to go over four minutes, other than the un-
18 comfortability of the blood pressure cuff?

19 A Well, you -- you want to focus the subject's
20 attention on a limited number of questions. If you're
21 asking three or four primary questions, that's fine. If
22 you're asking eight or nine questions about the
23 incident, you know, hi -- his diversion is from one to
24 the other and it kind of dissipates his focus a little
25 bit, and you don't get the quality of responses you

1 might get otherwise if it's just one or two.

2 Q And similarly, is there any sort of kind of
3 limitation on the number of questions, maybe not the
4 time period, but the number of questions that you'd
5 expect a polygraph examiner to ask?

6 A Well, we never have more than 11, probably
7 most likely ten, four irrelevant questions; are you
8 currently in Chicago, are you over 21 years old, et
9 cetera, four relevant questions; did you steal the
10 missing money, do you know who did, et cetera, and two
11 control questions.

12 Q Okay. Those are a reason you tend to keep to
13 ten or 11 questions and not anymore?

14 A And not any more, yeah, because the longer you
15 go, the more discomfort this gets and it becomes a
16 problem, yeah.

17 Q Okay. So similar reasoning for why you tend
18 not to go past four minutes or so when you're --

19 A Yeah.

20 Q -- you're conducting the test?

21 A Uh-huh.

22 Q And so once the test is conducted, what is the
23 next step?

24 A Well, usually there's a series of tests. We
25 have a set of questions we go through usually in

1 numerical sequence the first time. Then we have a card
2 test, which is a stimulation test. We have the person
3 pick a card. We're going to say we're going to call up
4 to pick a card, number one, number two, and number
5 three, say no to all of them. And the idea is there to
6 let the -- reassure the truthful person that the -- the
7 physiological responses can identify when they're lying.
8 So if they're not lying, they'll be fine, and vice versa
9 for the deceptive. Then we oftentimes will step out of
10 the room for a few minutes, give the person a chance to
11 kind of catch their breath, relax a little bit. We come
12 back in, probably will repeat the original set of
13 questions in numerical sequence, and then it can vary.
14 We can do what's called a silent answer test, where the
15 person doesn't answer out loud, a mixed question test
16 where we change the sequence of questions we ask. And
17 then we have an option for what's called "a yes test,"
18 which is designed to see if the person will try to
19 manipulate the test. So that series sequence of a test
20 can vary. But if there's at least two of them with the
21 same sequence and a mixed question, minimum of those
22 three.

23 **Q Okay. And is the subject hooked up to the**
24 **polygraph exam the entire time this testing is going on?**

25 **A When the actual testing is going on, yes, they**

1 are attached to the instrument.

2 Q So they'd be attached for the card test?

3 A Yes.

4 Q And then for whatever the kind of sequencing
5 tests are?

6 A Well, we call them straight-through, because
7 it's one through ten in sequence. So you've got your
8 first straight-through card test straight-through, and
9 the fourth spot may vary, silent answer test or a yes
10 test. And it might be the mixed question test where we
11 simply mix the sequence of questions.

12 Q And what is the purpose of the silent answer
13 test?

14 A To create the sense that the instrument
15 can detect what they're thinking in terms of the
16 response.

17 Q Okay. And with the silent answer test, if I'm
18 formulating this correctly, the polygraph examiner
19 asking a question then giving the examinee time to think
20 what the answer would be.

21 A Correct. Yes.

22 Q Okay. And then the mixed answer test is where
23 you ask out of order, correct?

24 A Yeah. Not mixed answer, mixed question.

25 Q Mixed question, my apologies.

1 A Yeah.

2 Q And what is the purpose of the mixed question
3 test?

4 A Well, if the person knows from the first two
5 or three tests that, did you steal the car is the first
6 question, he begins to anticipate it. So by moving it
7 back at another spot on one of the tests, and he real --
8 you know, it changes his perception. Now he's listening
9 carefully to the first one, because he -- it's -- we
10 tell him it's not going to be the same sequence.

11 Q Okay.

12 A And then we can also in the next question,
13 pair the relevant right next to a control, so we can
14 make that question-by-question comparison.

15 Q Okay.

16 A And a straight-through test, they're usually
17 separated.

18 Q And then what is the purpose of the yes test?

19 A The yes test, some people try to manipulate
20 the recordings. So for example, when we ask them the
21 card test, and let's say you picked four, we tell you to
22 say no to four, or to say no to whatever you picked and
23 all the others. When they come to number four, they
24 might do a few things, move their arm, take a few
25 breaths, because they want that to look like the lie,

1 because they're not going to do that later on at the
2 test when we ask them if they stole the vehicle. So
3 their thought is if we don't see that, we'll think
4 they're truthful. On the yes test, they're thinking
5 that yes is actually the truthful answer. Well, I can't
6 just sit there and just let it go. I've got to make
7 that look like the lie, so they kind of do the same
8 thing. Now, not every guilty person does that by any
9 means, but quite often they do, and that's why we use
10 it.

11 **Q Okay. And so once you have done the testing,**
12 **I assume the next step would be the examiner scores the**
13 **test, correct?**

14 **A Correct.**

15 **Q And what is the process for scoring the test?**

16 **A** He's going to look at the affiliate
17 physiological charts, responses on the charts in front
18 of him. He's going to make a mark on our question inter
19 -- interview sheet as to the strength of the response.
20 And we -- we use kind of check marks and how light or
21 heavy they are. A very light check mark will respond to
22 a minimal response, a very heavy check mark indicates a
23 significant response. And we would do that for each of
24 the relevant questions and the control question, then we
25 would do that for each of the three or four tests that

1 we ran.

2 Q Are you aware of other types of scoring that
3 is conducted when analyzing a polygraph examination
4 other than the check mark test?

5 A Yeah, sure. Numerical scoring. Some of the
6 guys in the profession got very nervous with check
7 marks, because they felt it was too subjective. You
8 know, what's a light shade to you versus a light shade
9 to the other guy? So Cleve Backster, out in San Diego,
10 developed a num -- num -- us -- numerical scoring
11 process. So we said, let -- instead of check marks,
12 let's put down numbers, one for a light response, two
13 for medium, because numbers seem more objective. So
14 it's really just, you know, camouflage, but it's the
15 same principle.

16 Q Okay. When was the numerical testing
17 developed?

18 A Oh, I don't know for sure. Certainly the '90s
19 at some point, whether it was '91, '98, I -- I don't
20 know offhand.

21 Q Okay. And currently, is there any sort of
22 industry standard or preference for like a check mark
23 technique versus a numerical scoring?

24 A Oh yeah. Sure. I think mostly industry does
25 check marks.

1 Q Okay.

2 A Sure.

3 Q Was there an industry standard in 1995?

4 A In terms of scoring?

5 Q Yes.

6 A No.

7 Q Okay. Do you feel like there's any sort of
8 difference in efficacy or reliability using one
9 technique versus another?

10 A Only -- only that the numbers have a
11 perception of being more objective.

12 Q Within the polygraph testing and John Reid and
13 Associates, are there any prohibitive techniques that
14 you would not want a polygraph examiner to engage in
15 such as, you know, lying as an obvious example?

16 A Sure. Yeah. No. Well, number 1, we don't
17 want him to engage in any of the procedures that are
18 against our principles; threats, promises, denial of
19 rights, denial of physical needs, et cetera. That'd be
20 number 1. Number 2, we're not going to lie during the
21 interview about information in the case. We may in the
22 -- we may in the interrogation, but we're not going to
23 do that in the interview, (cough) excuse me, because in
24 the interview, we're neutral objective fact finders.
25 We're not there to accuse anybody of anything. We're

1 not there just to accept their story. We're there to
2 kind of develop information, to determine the accuracy
3 of what they're saying.

4 Q Would it be fair to say that if you had a
5 situation where, you know, someone gave a pre-test
6 interview, they gave a polygraph examination and they
7 were found to be deceptive in some way, and an
8 interrogation followed that a - lying would not be a
9 prohibited within the interrogation itself?

10 A Well, in 1969, the US Supreme court said you
11 can misrepresent evidence verbally, provided everything
12 else is proper, Frazier versus Cupp. We don't encourage
13 people to do that because of the -- if you tell him
14 you've got a witness for example, and he knows there
15 never was anyone around there, and he knows you're
16 lying, you've lost your credibility. So misrepresenting
17 things like this, we say in our book, is a last resort
18 tactic. It's not something we go to first. We don't do
19 it with juveniles. We don't do it with people of mental
20 or psychological impairments. We don't with subjects
21 who don't remember what they did that night, maybe
22 because of alcohol or drugs. So there's some very
23 specific guidelines about that process.

24 Q But outside of the prohibited persons you
25 listed, and with the understanding it's a last

1 technique, lying isn't prohibited within interrogations
2 under the Reid technique?

3 A Well, I -- it's -- it's a last resort option,
4 and the lying is about potential evidence; a witness we
5 don't have, a DNA match we don't have, that kind of
6 thing.

7 Q Sure. But I'm asking specifically, is it a
8 prohibited technique under the Reid technique?

9 A Well, all of our guys know that it would be a
10 last resort. It doesn't say you could never do it under
11 any circumstance.

12 Q So lying is not prohibited within the Reid
13 technique?

14 A In terms of evidence, correct.

15 Q Okay. Turning back to the polygraph
16 examination, it's my understanding that there's a couple
17 different types of conclusions that can be drawn, either
18 that it's inconclusive, unreliable, deceptive, or
19 truthful. Is there any other classifications that I'm
20 missing or did I misrepresent the classifications there
21 are?

22 A Well, there is no conclusion unreliable.

23 Q Okay.

24 A The conclusions are truthful, deceptive,
25 inconclusive, unresponsive and purposely non-

1 cooperative. Those are the primary five.

2 **Q Okay. And so can you explain what an**
3 **unresponsive finding would be?**

4 A Yeah, yeah. An unresponsive test result
5 conclusion is when you sit down and you evaluate the
6 physiological changes. There isn't really any change
7 from one question to another. It's almost like a
8 straight line. I mean, it -- it literally is not a
9 straight line, the respiration cycles that you've seen
10 are up and down, but there's no change at all.

11 **Q Right.**

12 A On anything.

13 **Q And in your experience, when is that sort of**
14 **unresponsive conclusion elicited by a subject rather?**

15 A Well, it's not elicited. When it -- when it
16 occurs, the subject may be under medication that
17 inhibits physiological response. We give them a medical
18 data sheet, as you know, and ask them what medication
19 they're on. We don't always know if they tell us
20 everything accurately. But nevertheless, that could be
21 a possibility. It could be a possibility that the
22 person is just, you know, hasn't had sleep in four days,
23 is exhausted, fatigue, that could be a possibility, kind
24 of depends on their demeanor during the interview to
25 make that evaluation, though.

1 Q Okay. And then --

2 A I would say there's probably other things I'm
3 not even thinking of.

4 Q -- of course. And so in a situation where
5 someone is showing indications of deception, what
6 happens next?

7 A Well, if we've scored the charts on our
8 opinion is deception, then we're going to come back in
9 and tell them that they're not passing the test.

10 Q Okay. And what happens after you tell a
11 subject that they didn't pass the test?

12 A Well, we're going to say, so there -- there
13 has to be something on your mind, what might be
14 different options, what are you thinking about.
15 Depending on the severity of the response, we may say
16 then okay, the test indicates you're not telling the
17 truth, which is what happened in this case. And so I
18 think you do have some knowledge as to how the fire
19 started, what happened, either directly or indirectly.
20 So we want to try to clear that up. What kind of things
21 might there be? And then we might suggest to them, as
22 we do in theme development, different options, you know.
23 If you were talking with your wife about setting fire to
24 the place, but you both decided, "Nah, nah, we don't
25 want to do that; that -- that'd be terrible," And you

1 were afraid to tell us in the interview, you talked
2 about doing that, now will be an important time to
3 explain that. So that sometimes depending on the
4 subject explanation, we'll do a reexamination, another
5 test. Once this explanation is verbalized and kind of
6 put on the side.

7 Q And what would the appropriate time period be
8 prior to doing that kind of reexamination?

9 A It might be a very well a different day.

10 Q Okay. Would there be circumstances in which
11 you would reexamine them during the same day after they
12 gave, in your example, that explanation?

13 A Possibly. I think not usually, but it could
14 be at some circumstance.

15 Q And is there a reason why you wouldn't usually
16 polygraph someone again after they gave that
17 explanation?

18 A Well, we -- we might -- might need time to let
19 them think about it, because maybe we're suspicious.
20 It's not everything, that they're still withholding
21 information. We have to see if they would agree to take
22 a second examination. And sometimes, people would tell
23 us a small piece of information, and in our opinion,
24 based on the way they're describing it, we know they're
25 not telling the full truth. So the conversation will

1 continue beyond that.

2 Q Okay. And so then in a scenario where a
3 deception's indicated, but the subject continues to deny
4 their involvement, what would happen next?

5 A Well, it depends on how they deny it. If a
6 person is listening to us with our theme development,
7 kind of nodding in agreement, you know, not verbalizing
8 anything for maybe five, ten, 15 minutes, and then the
9 investigator asks them a question that prompts for a
10 response, and he says, "Well, I didn't do it," we view
11 that as negative. That's the kind of behavior deceptive
12 people typically exhibit. Truthful people, they don't
13 listen to us for one second. They're in our face and
14 they're all over us adamant that they had nothing to do
15 with it, and they're not going to listen to us say
16 anything about it. So that depends on the kind of
17 denial. In fact, when we teach step 3, we talk about
18 recognizing the probable deceptive denial versus the
19 probable truthful denial.

20 Q Okay. So it'd be fair to say that someone --
21 it has in deception indicated, you would then utilize
22 the Reid technique of interrogation to try and figure
23 out what occurred?

24 A Yeah. We would come in, tell them that they
25 didn't pass the test or at indicates you're not telling

1 the truth, and probably begin some sort of form of theme
2 development, suggesting possibilities as to what could
3 be on their mind, what could have happened, what they're
4 concealing, sure.

5 Q Great. And is there a time period that Reid
6 employees are trained to stay within when conducting a
7 post polygraphs interrogation?

8 A Nothing different than we say with the three
9 to four hours of adamant denials.

10 Q Okay. And when polygraph examinations are
11 being typically scored by one person, or is there any
12 sort of, you know, collaboration or teamwork between
13 other employees?

14 A Well, oftentimes the chief examiner would be
15 the second person to look at the test results, give a
16 second opinion, make sure we're on the right track. In
17 this case, since Mike was the chief examiner, a co -- a
18 colleague of his, Art Newey who was a very senior
19 examiner, he scored up the charts.

20 Q Okay. And is that typical of examinations or
21 is it only in certain scenarios?

22 A It's typical that another examiner will look
23 at them. It's usually the chief examiner, but in this
24 case, obviously we had to have a second.

25 Q And are there any policies or procedures

1 within Reid and Associates when it comes to the presence
2 of law enforcement personnel during polygraph
3 examinations?

4 A In the room?

5 Q Yes.

6 A We don't have them in the room when we conduct
7 the polygraph test.

8 Q And why is that?

9 A We don't have anybody in the room except for
10 the two people. A third person is a distraction, no
11 matter who it is. The only time -- the only exception
12 would be an interpreter. Other than that, it's just the
13 two of us.

14 Q Okay. I know we've touched on these, but I
15 just kind of wanted to expand on it. Other than, you
16 know, someone having a psychological impairment or
17 showing other markers of not being able to sit for
18 polygraph examination --

19 A Not being what?

20 Q Not being able to sit for a polygraph
21 examination --

22 A Okay.

23 Q -- are there other behaviors or times when you
24 wouldn't do a polygraph examination on a suspect?

25 A Sure. I mean, if a person is talking nonsense

1 to us, we ask him his name, he says, "Well, today my
2 name is so and so," and you know, "What was it
3 yesterday?" "Oh, yesterday it was this one." I mean,
4 when you get some kind of verbal indication that
5 something is not right with this person, obviously that
6 would be a red flag. If the person keeps falling asleep
7 on you every two minutes, he's -- he's got his head down
8 dozing off that might be a problem. Okay? So there's
9 usually something extreme that's pretty obvious.

10 Q Okay. And would that include someone who was
11 intoxicated?

12 A I don't know what intoxicated means in your
13 definition. If they had one drink, if they had 100
14 drinks, what does that mean?

15 Q Someone who was under the influence of a
16 considerable amount of alcohol.

17 A Of a considerable amount, did you say?

18 Q Yes.

19 A Okay. What would that be?

20 Q Can you -- is there any sort of --

21 A Don't know what a considerable amount is.

22 Q -- within your practice, is there a standard
23 that you would adhere to regarding --

24 A If somebody came in --

25 Q -- intoxicants?

1 A -- if somebody came in and was obviously
2 intoxicated, we would not test them.

3 Q Okay. So it'd be under the judgment of the
4 examiner?

5 A Yes.

6 Q Okay.

7 A Sometimes they may say to the chief examiner,
8 "Look, could you talk to this guy for a minute? Let me
9 know what you think." And I walk out and I go, "Man,
10 this guy's in never, never land. We can't test him
11 today."

12 Q And is it your opinion that a polygraph
13 examination is a stressful experience to undergo?

14 A It can be.

15 Q Actually, to expand on that, would there be an
16 instance when a polygraph examination wouldn't be
17 stressful?

18 A Yeah. If, -- if somebody has been wrongly
19 accused of something and they want to prove their
20 innocence, that they're anxious to take the test, they
21 may not feel a lot of stress, because they're very
22 confident in their answers, they know they're telling
23 the truth, and they want this on their record to
24 disprove what this person is saying about them.

25 Q Okay. And in the instance where someone's

1 being tested because they're being accused of a crime of
2 some sort, would it be fair to say that would be a
3 stressful examination regardless of whether they're
4 innocent or guilty?

5 A It could be. It depends on what happened to
6 them. What was said to them. Depends on their
7 individual personality. It may be somebody who's
8 anxious to take the test and prove them wrong. It could
9 be somebody who knows there's a lot at stake. Sure.

10 Q Okay. When it comes to the length of
11 polygraph examinations, what would be a cause for
12 someone to interrogate someone for longer than four
13 hours?

14 A They changed their story.

15 Q And would that be one of the only causes or
16 would there be others that you can think of?

17 A Well, if you're talking about this particular
18 case, I don't know how long the actual polygraph test
19 took, maybe an hour or so, maybe less than that, the
20 actual testing time and the pretest interview. Then
21 there's Mike stepping out, scoring up the task, coming
22 back in for an hour, telling Mr. Amor that the results
23 indicated he didn't tell the truth. Stepping out again,
24 discussing with Art, coming back in for a half hour. So
25 there was that going on, and, in my view, that was all

1 fine.

2 Q Okay. I believe I asked this before, but I
3 just wanted to -- for the record, have you taken any
4 polygraph examinations that indicated deception where
5 deception was later proven not to be truthful? Like
6 they were telling the truth, actually.

7 A Okay. So you asked me if I've taken, I think
8 you mean have I given one.

9 Q If you've given.

10 A Yeah.

11 Q My terminology may be not correct.

12 A Yeah. No, not that I know of.

13 Q And you don't know of anybody during your
14 tenure at Reid & Associates who has given a polygraph
15 examination where there's indication of deception, but
16 it turned out that they were telling the truth?

17 A Oh, no, that's happened.

18 Q Okay.

19 A Because the person had guilty knowledge and
20 didn't tell us, and we didn't find that out until
21 afterwards.

22 Q And is there any other circumstances besides
23 someone having guilty knowledge, even if they didn't,
24 you know, do whatever they're being asked about?

25 A Sure. They could have lied about their alibi.

1 Q Lie about an alibi.

2 A We -- we had a priest once who was with a
3 young woman the night of this particular murder. He
4 didn't want anybody to know that, of course, being a
5 priest. And so he had failed the test, not because he
6 committed the murder, but because he was concealing this
7 other information. So there are different times where
8 someone can fail a test, typically because they're
9 concealing something relevant to the investigation.

10 Q So would it be fair to say that someone can
11 fail a polygraph examination, but not be, you know,
12 guilty of or have guilty knowledge of the subject
13 they're being asked about?

14 A As I say, an example might be if they lie
15 about their alibi.

16 Q Okay. But it is possible that a failure does
17 not indicate that they're guilty of, in this instance, a
18 crime they committed?

19 A Well, as I think Mike testified too, it
20 indicates something is on their mind, and that's part of
21 the post-test interview process, is to find out, what
22 are they thinking of? You know, for example, in this
23 case, there was some debate as to whether or not the
24 husband or wife talked about the insurance policy that
25 the victim had. Family members said that they did. They

1 said they didn't. In fact, Mr. Amor told Mike during
2 the interview, "If I did, I must have been drunk,
3 because I don't remember it." So you know, maybe that
4 was on his mind. Maybe he was worried about, maybe I
5 did -- someone did hear me talking to my wife about the
6 insurance policy. So we wanted to give him a chance to
7 explain anything that might be causing the negative
8 results. So he did -- he, you know, he could have that
9 on his mind and once he were to maybe, I'm speculating,
10 because he never said this, once he talks about that,
11 then maybe a second test would be appropriate. A second
12 examination, I should say, besides where you're
13 concerned about talking. Yeah.

14 Q Sure. But just to go back to my original
15 question, a failure of a polygraph examination does not
16 mean someone's guilty of the crime they're being brought
17 in to be questioned about, correct?

18 A There can be other alternatives.

19 Q Okay, so the answer to that is yes?

20 A Well, yes.

21 Q Okay. We'll wrap up with talking about Mr.
22 Amor's investigation itself. What are these sort of, if
23 there are any, internal reviews and audits regarding
24 polygraph examination within Reid & Associates?

25 A Well, we haven't done them for a while, but

1 what they were is that the chief examiner would, on a
2 regular basis, listen to someone conducting a polygraph
3 test, both the interview, pretest interview, the testing
4 itself, and any post-test questioning if there was some.
5 So we monitored them. We had it set up so we could
6 monitor all of our interview rooms. We would do that at
7 least once a week with everybody. And they would review
8 charts that the person had on their different cases. So
9 there was some regular basis of reviewing their work. It
10 wasn't written in stone. It was very flexible. But you
11 know, we do -- did have to be aware of what people were
12 doing. Sure.

13 Q Okay. And when polygraph examinations were
14 occurring, or maybe more specifically within 1995, was
15 there any sort of annual review that would occur of
16 employees?

17 A Not other than what I've described.

18 Q Okay. Going specifically to the polygraph
19 examination of Mr. Amor, what is your understanding of
20 what occurred, and this can be broad, and I'm not going
21 to hold you to this as all of your knowledge, but with
22 those caveats, what is your understanding of what
23 occurred on the night of October 3, 1995?

24 A The -- the neighborhood PD made an appointment
25 to bring in a subject for an interview, polygraph test.

1 I don't know if we had the name or not at that point. I
2 believe when Mr. Amor arrived, he was placed in our
3 lobby until the two accompanying investigators met with
4 Mike in our, we call it the fact room, but it's a
5 office, where he's taking down the background
6 information as to what's going on, what are the
7 circumstances, what -- what -- what is he being looked
8 at for, and -- and, you know, taking the case facts and
9 working with them on the general nature of the questions
10 they're going to ask. After that, Mike probably
11 would've spent some time going through the interview or
12 the fact taking notes, anticipating some of the
13 questions he'd want to cover, the questions he wants to
14 ask in the pretest interview. The receptionist at some
15 point would bring the subject back into the interview
16 room. There would be a waiver agreement they would sign
17 that talks about the fact that they were there
18 voluntarily. They knew they couldn't leave. They
19 weren't under arrest. Miranda rights would've been
20 given in this sort of circumstance. That form would've
21 been executed. There's a medical data sheet asking them
22 how much sleep they've had in the last number of hours,
23 what medication they might be on, that kind of thing.
24 Are they in any current discomfort. And then after
25 that's all done, Mike would conduct the pretest

1 interview, which he did, step out, formulate his
2 questions, come back in, advise Mr. Amor these are the
3 questions we're going to ask, let me read through them,
4 make sure they're clear to you. Tell me how you're
5 going to answer them on the test. Then administer the
6 series of tests, at some point stepping out for a
7 breather for the subject and then coming back in. And
8 then at the end of the testing, look at the charts, make
9 an analysis. In this case, they have a second examiner
10 eyeball them as well, and then move into the post
11 interrogation phase. I believe Mike was in there for
12 about an hour. He said that Mr. Amor was very passive.
13 Wasn't actively denying it. Was listening to him,
14 nodding his head up and down, agreeing with the basic
15 suggestions he was making about possible explanations
16 for the negative test results, but continued to deny any
17 involvement in starting the fire. Mike stepped out for
18 maybe ten, 15 minutes, talked to Art. Thought maybe Art
19 could have a chance to develop some more rapport with
20 the subject, because, you know, we all have different
21 personalities and some people, you know, are more
22 responsive to one type of person than another. I think
23 Art went in for about 30 minutes, whether he smoked with
24 Mr. Amor or not, I don't know. They were both smokers.
25 They shouldn't have been smoking in the office, but Art

1 had a habit. So at any rate, then he came out, and I
2 think Mike had gone by then, Mike's wife was expecting,
3 and I think she had some medical issues, so he had to
4 grab the last train out. And I think the two detectives
5 then talked to Amor. I don't know if Art was part of
6 that or not. I don't think he was, but I don't recall
7 offhand. And then at somewhere around 10:00 or 10:30,
8 they left.

9 Q Okay. And are you aware of anything that
10 happened after they left the interrogation?

11 A No.

12 Q Okay.

13 A Oh, let me back up. You mean the fact that he
14 eventually confessed?

15 Q Yes.

16 A Oh, I -- I heard that at some point. Sure,
17 sure, sure.

18 Q And do you have knowledge of any of the
19 circumstances surrounding the confession?

20 A None.

21 Q Okay.

22 A None.

23 Q Okay, so, backing up to the pre-test interview
24 and the medical data sheet, I can pull it up if you'd
25 like, but I'll represent to you that on the medical data

1 sheet Mr. Amor indicated that he had only received four
2 hours of sleep the night before. Would that concern you
3 as to the efficacy of the polygraph examination?

4 A In and of itself, no. I would have to talk to
5 the person, see how they were responding, how alert they
6 were. Were they responsive? Were they conversive? Et
7 cetera. And if there was no indication of any issue, I
8 would continue on. If they were obviously, you know,
9 dozing off and they were obviously just exhausted, then
10 we would postpone it.

11 Q Okay. And you spoke of kind of what occurs
12 after someone has being told that they have failed a
13 polygraph examination. And in this instance I'll
14 represent to you that, you know, Mr. Masokas did spend,
15 or at least testified that he spent about an hour with
16 Mr. Amor. And then Mr. Newey spent about 30 to 45
17 minutes. Is that an appropriate amount of time under
18 your guidelines to spend after a deceptive conclusion to
19 a polygraph examination occurs?

20 A Actually, I think they spent more time than
21 you're suggesting, because I think Masokas went in
22 alone, then him and Newey and then just Newey. Okay? So
23 they were three stages. And everything they did was
24 completely proper. No problem at all.

25 Q Okay. And after Mr. Newey talked with him and

1 after Mr. Masokas left, the officers talked to him for
2 some time. The officers, I'll represent, utilized Reid
3 & Associates' offices to conduct those conversations
4 with Mr. Amor. Was it appropriate for the officers to
5 utilize Reid & Associates' offices to continue the
6 interrogation of Mr. Amor after the polygraph
7 examination?

8 A It could have been. So

9 MR. PASQUALINO: I'm going to object to
10 continued interrogation. But go ahead.

11 Q Sure. Would you have any concerns about law
12 enforcement continuing or interrogating Mr. Amor at Reid
13 & Associates' offices after he had undergone a polygraph
14 examination and then several hours of questioning by Mr.
15 Newey and Mr. Masokas?

16 A On the face of it, no. I guess it depends on
17 what they were doing. They might have been saying,
18 "Look, you failed the polygraph test. We want to get
19 together with you tomorrow. Here's the best time. Can
20 you come in? When can you come in?" That kind of thing.
21 And they might have been setting up a get together for
22 the next day. I mean, I don't know.

23 Q Okay. And after the officers spoke with Mr.
24 Amor at Reid & Associates, I represent to you that they
25 then took Mr. Amor to Naperville to continue being

1 interrogated. And I guess my question is, if Naperville
2 Police Department had asked your opinion on whether or
3 not they should continue interrogating Mr. Amor after
4 the events of the polygraph at Reid & Associates, what
5 would you have said?

6 A I'd have said, "That's your call."

7 MR. PASQUALINO: Objection.

8 A I'm sorry. I would've said, "That's your
9 call."

10 Q Would you feel like that continued
11 interrogation would be in line with the steps or
12 principles of the Reid technique?

13 A It could be. Particularly if when they talked
14 to him alone in the office, after our -- Newey had
15 stepped out, he said, "You know, okay, there is
16 something that, you know, I'm thinking about, but I want
17 to think about it for a little bit before I say
18 anything." So there'd be an absolute necessity to
19 further the questioning.

20 Q And would you have any concerns with the fact
21 that Mr. Amor had the morning of the examination
22 recently spent two weeks in jail?

23 A No.

24 MR. PASQUALINO: Form. Foundation.

25 Q Okay.

1 A We test people who are inmates all the time.

2 Q Okay. I'll represent to you, again, that
3 during the course of the interrogation of Mr. Amor in
4 Naperville, he was served divorce papers prior to his
5 confession. Is that a technique that you would utilize
6 under the Reid method or not?

7 A Never ever have I been aware of a situation
8 where that approach -- that -- that was done or even the
9 opportunity to do that was done. I mean, I -- I don't
10 know anything about that.

11 Q Sure. But, you know, with the understanding
12 that you don't -- you know, you weren't present at the
13 interrogation or the examination, would it concern you
14 to learn that during the course of the interrogation,
15 Mr. Amor was served with divorce papers within
16 Naperville Police Department?

17 A That'll be for them to answer. They're the
18 ones who did it.

19 Q Well, if they asked your opinion, what would
20 you say?

21 A I would say, "Well, you guys know what the
22 circumstances are. Whatever you think is best."

23 Q So you think that it would be an appropriate
24 tool of interrogation to serve Mr. Amor divorce papers
25 after he had spent hours being polygraphed, being

1 accused of being deceitful about a fire that killed his
2 mother-in-law, and after then more hours of
3 interrogation by both the police and the Reid employees?

4 MR. PASQUALINO: Same objection.

5 A For all I know he was maybe anxious to get
6 them. I don't know.

7 Q So you do think it would be an appropriate
8 tactic?

9 A It's not my judgment.

10 Q And I'm asking you your judgment specifically.

11 A I don't have any judgment.

12 Q So in the scenario I described, and if I was a
13 Naperville police detective, and I came up to you and
14 said, "Are you okay with this?" You would say, "Yeah,
15 it's your call"?

16 A I don't have any --

17 MR. PASQUALINO: Object to the proffer.

18 Hypothetical. Go ahead.

19 A And I don't have any detail on the
20 circumstances, so it would be stupid for me to answer.

21 Q Okay. Do you believe that if someone who was
22 innocent of a crime they were being accused was told
23 that they were being deceptive on a polygraph
24 examination, that would be stressful for that person?

25 A Yeah. If a person who was innocent was told

1 they failed a polygraph test, that would be very
2 stressful.

3 Q And could that stress, in your opinion, lead
4 to potential false confession?

5 A In this case?

6 Q No, broadly.

7 A Okay. While in our office?

8 Q Not at your office, but down the line.

9 A Yeah, because there is no confession at our
10 office. There's nothing that happened at our office
11 that could have led to a false confession, because there
12 was no confession. Now, what happened after they left
13 our office, we don't know. And so I can't speak to what
14 may have happened.

15 Q So you don't think that any of the
16 circumstances at your office may have led to a
17 confession by Mr. Amor down the line?

18 A There was no -- there was no confession at our
19 office, so nothing we did would contribute to that.

20 Q Sure. But I'm asking for whether or not you
21 think that, with the understanding that you know that
22 the confession occurred, which you've testified to, and
23 your understanding that there was a, you know, lengthy
24 polygraph, at least six hours of polygraphing and
25 interrogation --

1 A Oh, that's not accurate at all.

2 Q Sorry?

3 MR. PASQUALINO: Objection.

4 A That's --

5 MR. PASQUALINO: Mischaracterize of testimony.

6 But go ahead.

7 A Yeah, that's not accurate. The -- the length
8 of time for the pretest interview and the polygraph,
9 we're not talking about six hours of continuous
10 questioning kind of thing. You've got the separate test
11 itself, which might have been 30 minutes, the different
12 tests, the pretest interview might have been 30, that's
13 one hour, you got a couple hours of the questioning, so
14 we're well short of any six hours, and it wasn't
15 continuous and it wasn't accusatory.

16 Q Sure. Well, what's your foundation for the
17 belief that none of the questioning at the office was
18 accusatory?

19 A In our office?

20 Q Yes.

21 A Well, we know the polygraph tests were not
22 accusatory. We were asking him if he did it. We know
23 the interview wasn't accusatory, they were non-
24 accusatory, non-confrontational questions. What
25 happened that day? When did you leave for the movies?

1 Et cetera, et cetera, et cetera. So that whole first
2 process, the interview, the testing process, all of that
3 was not accusatory. All of that was neutral. It's only
4 after he failed the test that the examiner came in and
5 said, "We got a problem, the test indicates that you
6 know something or were involved with starting this
7 fire." And that was after a couple of hours.

8 Q Sure. But with the understanding, and I'll
9 rephrase my question -- with the understanding that
10 there was an eventual confession and that Mr. Amor spent
11 a couple hours, not the entire time, but a couple hours
12 dealing with accusatory lines of questioning at your
13 office, do you believe that it's possible the experience
14 at your office led to his eventual confession?

15 A I don't think we did anything that led to his
16 confession. No.

17 Q So you don't believe any part of being told
18 that he had failed the polygraph examination and that he
19 was guilty of murdering his mother-in-law led to an
20 eventual confession?

21 A He should have been enraged at that suggestion
22 if he was innocent. He should have been all over us,
23 fighting us tooth and nail. None of that happened.

24 Q Based on your experience?

25 A 50 years of experience. Sure.

1 Q And based on any sort of social science?

2 A No, no social science.

3 Q Based on any sort of science?

4 A No.

5 Q Okay. Just based on your experience?

6 A Our experience collectively, Reid &
7 Associates.

8 Q Okay.

9 A Dozens of investigators over the years,
10 dealing with people in these situations.

11 Q And so the fact that he, Mr. Amor,
12 continuously denied that he had anything to do with the
13 fire isn't an indication that he wasn't guilty of the
14 crime?

15 A Oh, not at all. There -- everybody in jail's
16 denying it.

17 Q And so it specifically has to be in your face,
18 in this instance to have an indication that he was not
19 guilty?

20 A Well, that would be -- that would be part of
21 it. We look at the whole scene. You see, even though
22 he gave that quote, unquote "false" confession, and I'm
23 not even sure if I know what it is. I think it's
24 putting a cigarette in alcohol. It doesn't mean he
25 didn't commit the murder. Just means he didn't do it

1 that way.

2 Q Do you have any reason to believe that he
3 committed the murder?

4 A Well, other than the polygraph test, he wasn't
5 passing it. We don't know why.

6 MS. GARCIA: Okay, Mick, I'm just going to take
7 a couple more minutes to look at my notes and then I
8 think I can finish up with questions.

9 MR. PASQUALINO: Nope, that's fine. So wait a
10 couple minutes?

11 MS. GARCIA: Yeah, just give me like five
12 minutes.

13 MR. PASQUALINO: I'll use the restroom. Joe,
14 you can use the restroom too if you need to.

15 COURT REPORTER: We're off the record. The
16 time is 12:29 p.m.

17 (OFF THE RECORD).

18 COURT REPORTER: We are back on the record for
19 the deposition of Joseph P. Buckley being convicted
20 by video conference. My name is Kortney Chase.

21 Today is August 26, 2022, and the time is 12:34 p.m.

22 BY MS. GARCIA:

23 Q Mr. Buckley, you said that you looked at the
24 polygraph file for Mr. Amor, correct?

25 A The polygraph what?

1 Q The polygraph file for Mr. Amor?

2 A Yes. Yes. Yeah.

3 Q When you looked at the file, did you look at
4 the raw data of the polygraph examination?

5 A The polygraph charts?

6 Q Yes.

7 A Yes I did.

8 Q When you looked at the polygraph charts, did
9 you analyze the polygraph charts at all?

10 A Yes I did.

11 Q When you analyzed those charts, what were your
12 findings?

13 A That deception was indicated.

14 Q Okay. And when you analyzed those charts, did
15 you use a check mark scoring method?

16 A Yes.

17 Q Did you take any notes where you did the
18 scoring of the examination?

19 A Yes.

20 Q Do you still have those notes?

21 A Yes. I just did them yesterday.

22 Q Great. Then I'll talk with Mick about getting
23 those notes, or a copy of those notes.

24 A Okay.

25 Q And then other than that I have no more

1 **questions.**

2 A Okay.

3 MR. PASQUALINO: Great. Signature we can
4 reserve.

5 MS. GARCIA: Okay.

6 MR. PASQUALINO: And thank you for being
7 efficient, Mariah. I appreciate that.

8 MS. GARCIA: I know. I didn't think I was
9 going to end -- it ended 20 minutes earlier than I
10 thought.

11 MR. PASQUALINO: I do appreciate it. And my
12 future wife appreciates that, too.

13 MS. GARCIA: Yeah.

14 MR. PASQUALINO: Off the record.

15 MS. GARCIA: Oh, sorry. Off the record. My
16 apologies.

17 COURT REPORTER: We're off the record. The
18 time is 12:36 p.m.

19 (DEPOSITION CONCLUDED AT 12:36 P.M.)
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25

CERTIFICATE OF REPORTER

STATE OF ILLINOIS

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page here of by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded digitally by me and then reduced to type written form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skill and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.

KORTNEY CHASE,

COURT REPORTER / NOTARY

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SUBMITTED ON: 09/06/2022

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DEPOSITION ERRATA

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Notary Certificate and authorize you to attach both to the original transcript.

<u>PAGE NO.</u>	<u>LINE NO.</u>	<u>CHANGE</u>	<u>REASON</u>
49	8	"out" should be	"off"
50	9	"read" should be	"Reid"
55	24	delete	"for"
51	25	"it" should be	"I"
53	14	insert "it be"	between would &
56	15	delete period after Truthful	(fair)
58	13	change "Sal Casteri"	to "Saul Kassir"
60	5	change "meeting"	to "meaning"
66	7	change "Ambo"	to "Inbau"
69	13	change "in"	to "on"
69	16	change "convent"	to "convict"
75	3	change "moment"	to "movement"

 SIGNATURE

Joseph P. Buckley III
PRINT NAME

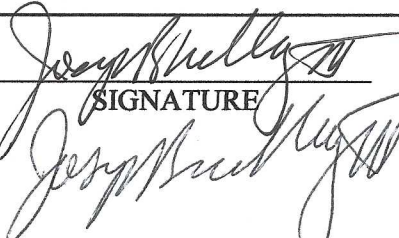
9/30/22
DATE

DEPOSITION ERRATA

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<u>PAGE NO.</u>	<u>LINE NO.</u>	<u>CHANGE</u>	<u>REASON</u>
75	12	change "loss" to "law"	
80	16	change "affiliate" to "affiliated"	
87	14	change "at" to "in"	
88	25	change "at" to "it"	
95	19	change "too" to "to"	
97	24	change "neighborhood" to "Naperville"	
98	18	change "cobldn't" to "could"	
99	3	change "as" to "ask"	
101	6	change "conversive" to "conversational"	
19	18	I believe the reference should have been to Mr. Masokas, not Mr. Amor	


SIGNATURE

Joseph P. Buckley III
PRINT NAME

9/30/22
DATE

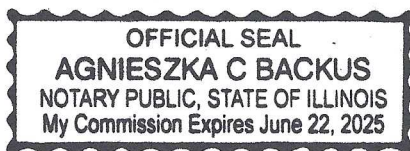
NOTARY CERTIFICATE

se: 1:20-cv-01444 Document #: 145-2 Filed: 02/09/24 Page 136 of 136 PageID #:9

STATE OF: ILLINOIS

COUNTY/CITY OF: MC HENRY

Before me, this day, JOSEPH P BUCKLEY personally appeared, who, being duly sworn, states that the foregoing transcript of his/her Deposition, taken in the matter, on the date, and at the time and place set out on the title page hereof, constitutes a true and accurate transcript of said deposition. SUBSCRIBED and SWORN to before me this 30th day of SEPTEMBER, 2022 in the jurisdiction aforesaid.



Agnieszka C Backus

Notary Public

My Commission Expires: June 22, 2025